

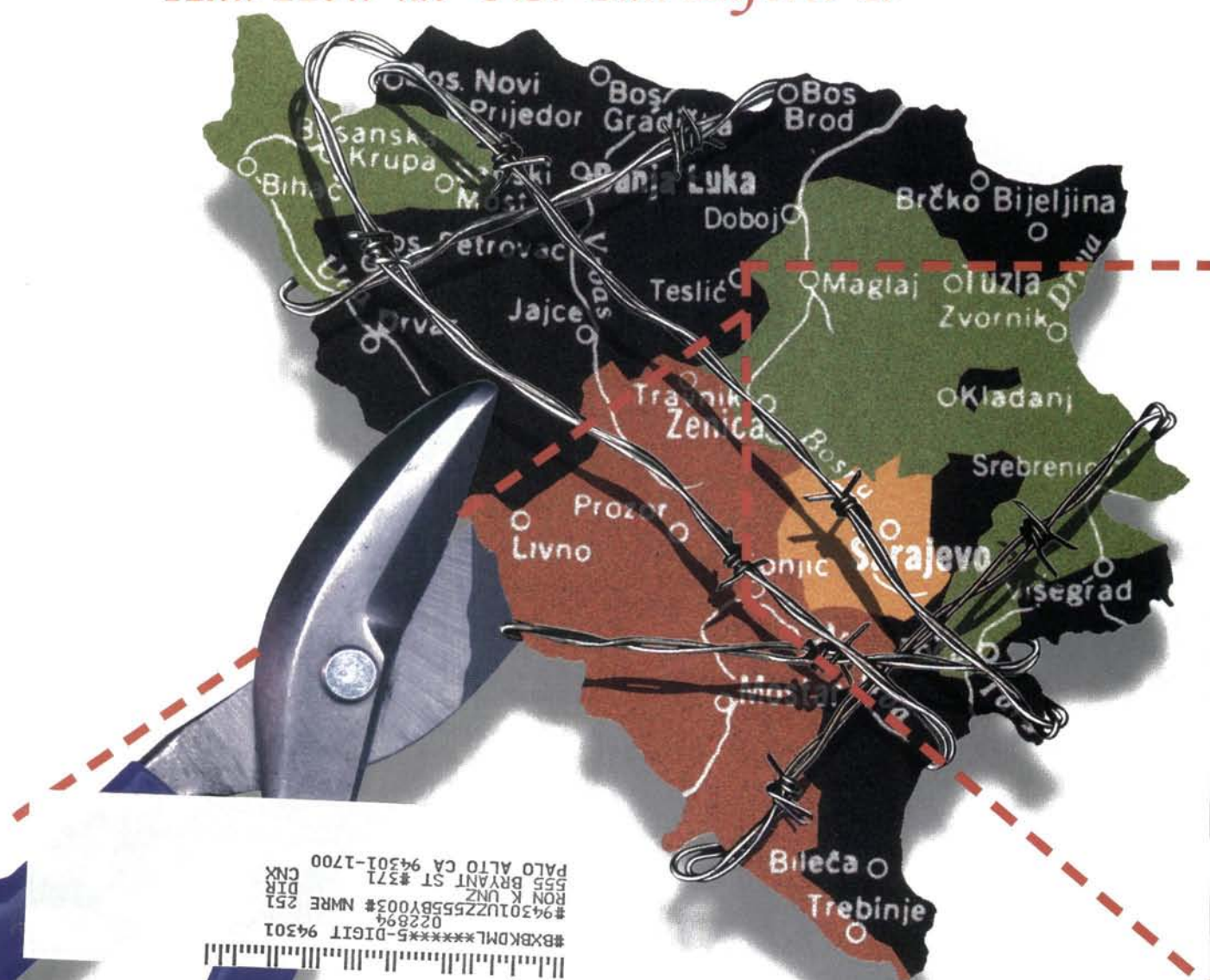
THE GUINIER NOMINATION: A CLINTON BETRAYAL

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THE ANSWER

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And How the U.S. Can Enforce It*



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CORRESPONDENCE

Fallen *Angels*

To the editors:

Robert Brustein's characterization of my behavior during the transfer of *Angels in America* from the Mark Taper Forum to New York is slanderous and false ("Angles in America," May 24). I am not guilty of the "personal betrayals, expedient decisions, fractured loyalties or postponed promises" your critic alludes to but mostly fails to specify. Had Brustein bothered to contact any of the participants in the event, including the director of the Los Angeles production, Oskar Eustis, he would have heard a very different story than the one he fabricated and published. He spoke to none of the people involved. He is trading on rumor and impression. His cavalier disregard for accurate reportage is appalling. Shame on him for having so little concern for the truth. And shame on you for not fact-checking.

Specifically: Oskar Eustis and I came to a mutual decision to discontinue our relationship as playwright and director

nearly a month before Frank Rich, or anyone else, reviewed the play. Oskar Eustis is a wonderful director. We have serious problems working together. It happens. There was no betrayal. I took a considerable risk, which is now being called an expedient decision because it worked, to come into New York with a director with whom I had no previous working experience; I went with George C. Wolfe because he is a brilliant artist who responded magnificently to my play; and George's and my every subsequent decision, including changing some actors and designers, was made on aesthetic grounds and for no other reason. I disapprove of the way JoAnne Akalaitis was treated by the Board of the New York Shakespeare Festival, but the decision to go to Broadway was made with the full participation and finally the good wishes of Akalaitis and her colleagues at the Festival. There was no acrimony and no betrayal. There were grave and entirely legitimate concerns about doing this show, demanding and expensive as it is, at a theater the size of the Public—the Taper, a larger and more financially secure venue, could barely manage it. Apart from my great admiration for her work as a director I have no personal relationship with JoAnne, and neither she nor the Festival was involved

in the development of *Angels* at any point in any way.

So much for betrayals, expediency, fractured loyalty. I haven't any idea what Brustein is referring to when he mentions "postponed promises," except perhaps that he has been trying for months to get the rights to do *Angels* at his American Repertory Theatre, but he knows full well that no promises have been postponed in that regard, and I think perhaps his impatience has clouded his sense of fairness.

It's not surprising that Brustein bungles simple facts as badly as subtler ones. Because I want the show to be accessible to people with limited financial resources, a population that includes most of my friends, I obtained a contractual guarantee that 800 orchestra and balcony seats a week will be available at prices comparable to the Public Theater's, starting June 1. This is a substantial concession on the part of my producers, far beyond the discounted matinee seats Brustein mentions and dismisses. It is deeply peculiar that this attempt to make affordable tickets available should be written off as guilt on my part, "passing on moral responsibility to [the] producers in the form of reduced revenue." I did not want to take *Angels* to Broadway if only wealthy people would see it. The producers figured out a way to avoid that—it takes a leap of considerable bad faith on Brustein's part to construe this effort as abreacted treachery or passing the buck.

People have been hurt in the long trip *Angels* has taken from its inception to its present incarnation, but these injuries have been sustained in struggles over interpretation and collaboration. Nothing has been done in the name of expediency. Not a word of this long script was cut, not a moment changed, not a step taken back into a closet to make the play more commercial. No one could say that George C. Wolfe's production is more commercial than Oskar's—no one other than Robert Brustein, who came to see the play a full week before critics were invited, and who knows as well as anyone that huge changes occur in previews. His review of the production is worthless for that reason—it does not describe what audiences are seeing now. THE NEW REPUBLIC readers who care about such things should see the production for themselves. There are discounted tickets, by the way.

That *Angels* has succeeded (so far) on Broadway without compromise is a fact of which I am tremendously proud. It is wrong to call the play "highly publicized" or "hyped," for very little has been spent in advertising and the press came to us. Rather, its arrival on Broadway coincides with a moment of historical

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transformation of the political status of lesbians and gay men.

If there is a story in *Angels* beyond the question of its value as theater, it's the story of this cultural coinciding—part accident, part luck, part political achievement. It's a good play, too, but I'm not such a fool as to fail to be grateful for being a beneficiary of a moment of history, and I hope my good fortune has contributed to the good fortunes of others.

Mr. Brustein, thanks for your very kind and perceptive words about the script, and thanks for your concern about my fortunes amidst "deadly critical embraces." But what kind of embrace would you call your article?

Is that a gun in your pocket, or are you happy to see me?

TONY KUSHNER

Brooklyn, New York

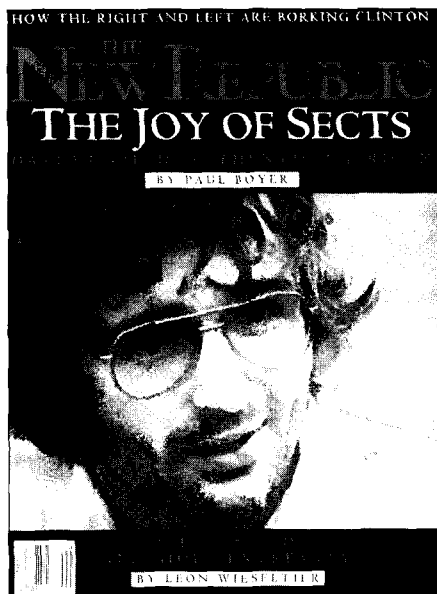
Robert Brustein replies:

Behind all his defensive smoke, Tony Kushner has managed to identify two possible misstatements of fact in my review of *Angels in America*—the extent of the ticket discounts and the timing of the decision to make extensive changes in the cast and production team. My source for both items was Bruce Weber's article in *The New York Times Magazine*, which mentioned only Wednesday concessions and linked Frank Rich's call for personnel changes to the firing of the L.A. director and designers. If these are errors, I apologize for repeating them.

But I stand by my main point, which was that once the decision was made to take a delicate work, commissioned and written for the non-profit theater, and give it what George C. Wolfe called "legitimacy" on Broadway (in time for the Tonys), the play was compromised and people were hurt. It is true I saw the production a week early, as I wrote. I also speculated it would improve with time. I was wrong. When I came back two weeks after opening, the play was being performed like a slick commercial comedy with the actors sniffing out laughs like truffles. (If Kushner believes this is his definitive production, he has more problems than I thought.)

I didn't need to interview all the players in this affair, most of whom won't talk for the record anyway, to conclude that the Broadway move left a lot of human debris in its wake, even if the victims' howls are muffled. That's not unusual, and no one questions a dramatist's right to change his personnel, but it's delusory to believe that all the victims are happy sacrifices to his career. As a playwright pursuing ethical themes, he must know he has some moral complicity in taking away George C. Wolfe from a previous commitment, namely his contract

to direct *Marisol* at the Hartford Stage Company (and subsequently at two other theaters), an action that Hartford's artistic director has called "reprehensible." He also shares responsibility for breaking a prior agreement with the Public Theater, an action that led the soon-to-be dismissed JoAnne Akalaitis to dub the whole affair "a study guide on what's happening to the not-for-profit theater." It is true I was pursuing the work for my theater. As my enthusiastic review made clear, I admire it greatly. But my criticism of Kushner's conduct hardly increased the likelihood we would get it. (My reference to "postponed promises" was to breaking a pledge to do *both* parts at the Public in April, and to deferring the Broadway *Perestroika* until fall.)



As for Kushner's boast that blocks of tickets are being discounted for "downtown audiences," consider this analogy: If a scientific researcher discovers a cure, say, for AIDS, and sells the formula to a big pharmaceutical company that will market it in a glossy package at double the price, he may assuage his conscience by demanding that one-tenth of the product be available at lower prices, but it hardly makes the cure available to a "large and diverse" group of sick people. I'm reminded of Bill Mauldin's famous World War II cartoon of high brass looking at a beautiful vista and saying, "Make sure there's a view for the enlisted men." Kushner wants to be both a radical non-conformist and universally loved. But as a self-proclaimed "left-wing artist" with a love of "community," he can't have it both ways. There is no "community" in the commercial theater, not even with the most enlightened producers. Only paying customers.

Another philistine

To the editors:

TNR's appallingly knuckleheaded defense of David Koresh in the May 10 Notebook is a sad testimony to the declining standards, scholastically and spiritually, of America's Ivy League schools.

By all published accounts, Koresh wallowed in luxury in Waco. When he wasn't busy provoking his own Armageddon, he was lolling about in the only air-conditioned room in the compound, surrounded by his expensive stereo equipment and electric guitars. As a dedicated coveter of electronic gadgets he must have taken it as blasphemy for the FBI to refuse him a fancy word processor. More importantly, according to survivors, what pushed him over the edge in the final moments wasn't the assault on the compound buildings by tanks, or the even the subsequent tear-gassing of adults and children, but the hauling away of his shiny black Camaro. When he saw that, he decided the spiritually proper response was burning people alive. So excuse me, but would TNR please specify where and when Koresh, the "probable" extremist, displayed his "discomfort with secular materialism"?

Chalk me up as just another philistine who's suspicious of extreme religious existence and intolerant toward the sometimes impenetrable demands of faith, but I can't ask my friends to let me sleep with both their wives and their 13-year-old daughters, kill federal agents and then worship me as the messiah. Maybe I'm too shy. Or maybe TNR's writers go to more interesting church services.

LANCE GRIDER

Aiken, South Carolina

Berserk

To the editors:

Like Andrew Sullivan (Miami Diarist, "Moodfood," May 3), I know someone—my brother—who is deriving great joy from the new anagram-creating computer program. Although certain famous names, such as Thelonious Sphere Monk, generate scores of interesting word combinations, my favorite is an anagram of George Herbert Walker Bush: Huge Berserk Rebel Warthog.

GLENN A. DRYFOOS

Los Angeles, California

The editors welcome correspondence from readers. Letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

TRB[®]

FROM WASHINGTON

Speech defect

Could Leonard Jeffries be right? Jeffries is the racist and anti-Semite who until last year headed the black studies department of the City College of New York. He was removed from that post after he delivered a speech in which he talked of an anti-black "conspiracy, planned and plotted and programmed out of Hollywood" by "people called Greenberg and Weisberg and Trigliani." Jeffries didn't lose his tenured professorship; he kept his \$70,000 salary and his corner office. But that didn't stop him from suing the college and recovering \$400,000 for the violation of his First Amendment rights.

At first, the verdict seems outrageous. Further reflection, however, brings discomfort. Is it possible to condemn the Jeffries decision and also condemn the various unpalatable "speech codes" that have been imposed on university campuses in the attempt to mandate racial civility? Why is it O.K. to discipline Jeffries but not, say, the students at George Mason University who staged a nasty skit in which one impersonated a fat black woman, or the Penn student who called some noisy African-American sorority sisters "water buffalos"?

One wants to be principled about this. The issue obviously shouldn't turn on whose water buffalo has been gored. If you are like me, you would also like to discover what lawyers call a "bright line rule" that would resolve each and every case. When it comes to the First Amendment, clear, categorical rules are not merely aesthetically pleasing. They eliminate the uncertainty that can both chill expression and encourage repression. As someone once said, extremism in the defense of liberty is no vice.

But the most conspicuous bright line rule favors Jeffries. It is the doctrine of "unconstitutional conditions," which says simply that the government cannot deny any benefit (e.g., a job or a college education) to anyone because of his or her

speech. After all, the state can't directly prohibit unpopular views by, say, throwing socialists in jail. Why should it be able to discourage those views indirectly, by taking away various state-provided goodies? "For if the government could deny a benefit to a person because of his constitutionally protected speech . . . his exercise of those freedoms would in effect be penalized and inhibited." So declared the Supreme Court in 1972, with admirable formal purity.

Under this principle, the Jeffries case is a no-brainer. It makes no difference that he kept his professorship. He was still denied a benefit (the department chair) by an organ of the state (City College) on the basis of something he said (his speech). QED: He wins. Even \$400,000 in punitive damages might, as one juror put it, be required "to wake up the slumbering moral fiber" of a college that would so transparently penalize him for exercising his speech rights.

I doubt that it's possible to plausibly protest the Jeffries verdict without somehow rejecting this familiar mode of First Amendment thinking. That is all right, though, because it should be rejected. It is a mistake, as a matter of principle as well as pragmatism.

Certainly the First Amendment can't mean that speech should *never* be penalized because of its content. Speech is penalized all the time, in the private sector. If I concluded next week's TRB column with a ringing call for the return of Pol Pot in Cambodia, I would, rightly, lose my job. I can even imagine saying things that would cause me wrongly to lose my job. That wouldn't be unconstitutional.

Is the administration of a university so different? The judge in the Jeffries case ruled that the professor's speech was "part of a debate that has broad and extremely significant implications for American society"—a debate on "possible reform of the educational curriculum." Well, if the debate is so important, why can't Jeffries be judged by his employer on the basis of his contribution? That's what City College did.

Only a crabbed notion of liberty holds that speech should never be attended by penalties. In a free society, after all, speech is both self-expression and the inspiration of action. Ideas are allowed to change things. But at some point, if this is to happen, the ideas must be judged. One way we do this is through elections, the purpose of which is precisely to punish some people—the losing candidates—for their ideas and beliefs. Are candidates the only ones?

The courts, at times, seem to think so. In an unbroken string of opinions, for example, the Supreme Court has ruled it unconstitutional to fire a government

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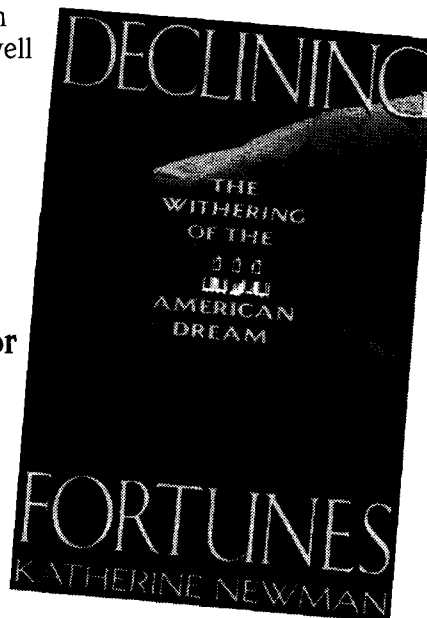
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WITHDRAW GUINIER

You can quibble with the president's economic plan (we'd like more deficit reduction and more spending cuts). You can cavil with his supple foreign policy and worry about an overly expensive health care reform. But there is one issue, central to Bill Clinton's electoral appeal and to the remaking of the Democratic Party, on which the signs are truly alarming. That issue is race. Throughout the campaign, Clinton seemed to hold a brave and rare position: against racial separatism and for racial honesty; supportive of the politics of equal opportunity, opposed to reductionist identity politics. In New Orleans just over a year ago, he argued: "*Them* is the dread word in American politics. The Republicans blame all the problems on *them*. Sometimes, the Democrats say, 'We're going to help *them*.' People don't need help as *them*; they need to be part of *us*, of defining their own future." Tough welfare reform was a central part of this message. So was a distancing from the politics of Jesse Jackson and the Afrocentric fringe. And Clinton, because of his exemplary record and concern on race, was able to do this without anyone questioning his commitment to racial justice. We believe it made all the difference in making him a new kind of Democrat.

He's now in danger of losing this mantle. Welfare reform is, we are told, on a very distant back burner. Sheldon Hackney, who as president of the University of Pennsylvania supported codes to limit the free speech of students, is the nominee for the National Endowment for the Arts. And now Lani Guinier, whose published support of equal racial outcomes is spelled out on page 16, is the nominee for assistant attorney general for the civil rights division in the Department of Justice.

We do not doubt Guinier's competence; but we do not share her convictions. Neither, we hope, does Clinton. She is a firm believer in the racial analysis of an irreducible, racial "us" and "them" in American society. To be sure, some of her arguments advance an informed debate about how to balance majority rule and minority rights. Her interest in cumulative voting is one we share. She has also pointed out how much Republicans have gained electorally from the racial ger-

rymandering many left-liberals favor. But her intellectual response to racial polarization is to polarize it further; to assume that racism is so endemic that electoral gerrymandering has to be supplemented with legislative gerrymandering; to hold that a colorblind equality of opportunity has to give way to a race-saturated equality of outcomes. She stands precisely against everything that Clinton once promised in terms of a new, integrationist approach to civil rights. And she stands for the racial politics that has allowed Republicans to dominate the debate (with a hefty dose of cynicism) for decades.

This is the moral case against Guinier's nomination. There's a political one as well. Her expansionist view of the role of the Justice Department in saying what legislatures can and cannot do could pit a Democratic president against the fragile biracial coalition of the Democratic Party in the South, and alienate many more free-spirited states who view their own legislative rights as beyond the purview of a meddlesome Justice Department. In the Senate, there's bound to be a bitter spat—again among Democrats and along historic ideological fissures—over whether this nomination should go forward. Republicans are salivating at the prospect of another defeat for the president, delighted he has let them again define the Democrats as a party far out of the mainstream on racial equality. The hard-won image of an integrationist administration could be hurt irreparably.



What Clinton has engineered with this nomination is a full-scale fight between the civil rights establishment and a core wedge of moderate Democrats. Right now, he cannot afford it. What face he would lose in withdrawing the nomination quickly is nothing compared with the damage he could sustain if the hearings become a protracted struggle in which Democrats once again battle each other. Besides, the country cannot afford to lose the president's commitment to a policy on race that moves beyond Republican cynicism and left-liberal reductionism. Withdrawing the Guinier nomination would not fulfill that commitment; but it would be a start. •

NOTEBOOK

CHINESE WHISPERS: In the same week Chinese forces brutally put down another uprising in occupied Tibet, the Clinton administration moved to renew most favored nation status for China without a single demand for improvements in human rights in exchange. As a candidate, Clinton excoriated George Bush for his courtship of Deng and his refusal to sever MFN status with China even in the face of its proclivity for forced prison labor camps, torture, murder and brutality toward women caught in reproductive "crimes."

In his campaign platform, Clinton declared: "We should not reward China with improved trade status when it has continued to trade goods made by prison labor and has failed to make sufficient progress since the Tiananmen Square massacre." That was then. It took Clinton precisely four months to cave. According to *The New York Times*, the proposed switch came after some 300 large corporations and trade associations, General Motors among them, wrote the president on May 12, begging for an unconditional extension of MFN. Of course, the administration insists that any future extensions would be contingent upon improvements in human rights. George Bush couldn't have put it better himself.

AND CHURCHILL WAS AN ARTIST TOO:

"SENATOR HELMS: Now, Mrs. Harriman, I know that you are involved in the Monnet Society. [Jean] Monnet, of course, one of the spiritual founders of the European Community?"

"MS. HARRIMAN: Senator, I do not think I am involved in the Monnet Society. I have never heard of it, frankly."

"SENATOR HELMS: I believe the information submitted says that. Is that not correct?"

"MS. HARRIMAN: Oh, it is *Claude Monet*, senator. It is the painter, the artist. His home is in France, it is called Giverny, where Claude Monet lived and painted. And I

have given a contribution to ... help restore his home."
—from the hearings on Pamela Harriman's nomination for ambassador to France

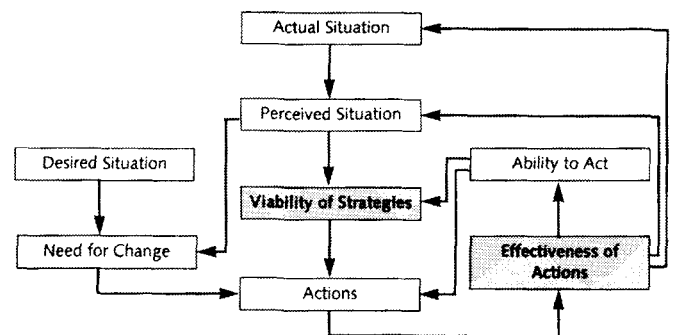
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—Gary Hart, from page 27 in the chapter "A Bear in the Den with God,"



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BLOW-DRIED

By Douglas G. McGrath

Monday, May 17, 1993

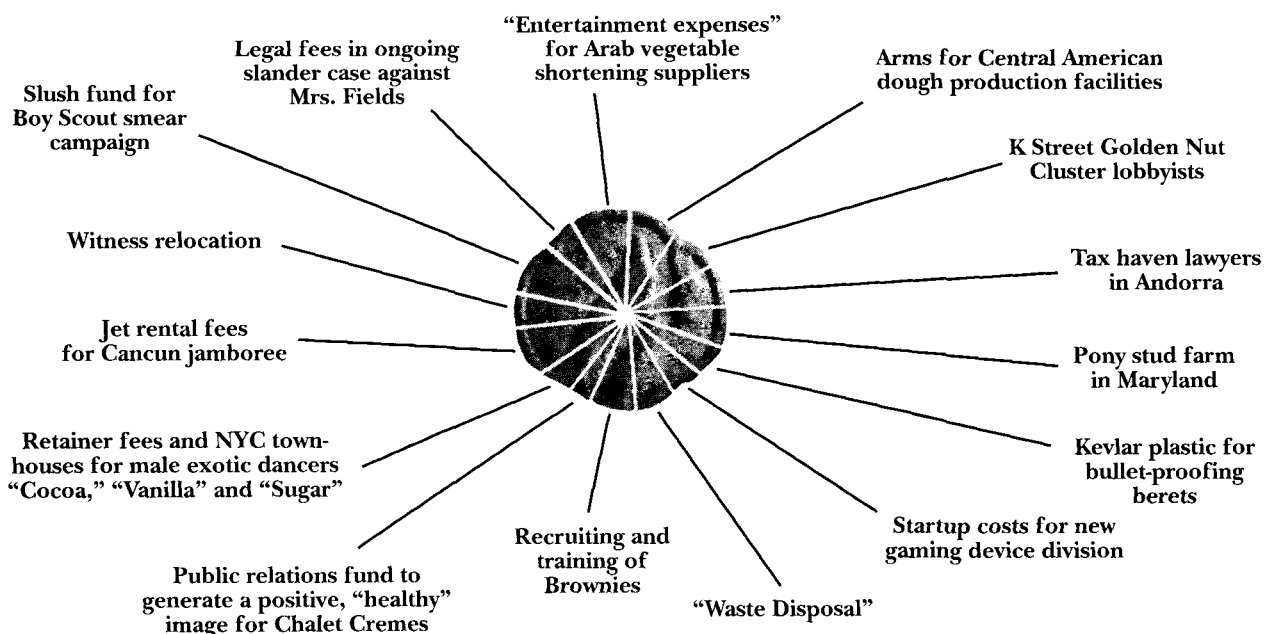
New polls today, and the Flap has dropped again. I wonder if he's beginning to crack under the pressure. Agent Searle, the most senior Secret Service agent on the detail, told me that every president has different ways of dealing with pressure. "Former President Carter," Searle said, "used to sit in front of a mirror for hours with a felt-tip pen, connecting the liver spots on his face. He was a deeply religious man and was looking for a sign. On the other hand, President Nixon would go to the

Rose Garden and step on squirrels. He wouldn't kill them. He just liked to see them squirming around under his shoes, rolling their eyes and gasping. That made him laugh." I, of course, remember how the Shrub chugged white wine spritzers with Halcyon and that President Reagan made prank calls to the Soviet Union.

The Flap, however, has another technique. Around midnight tonight, he came out of personal quarters in a ripped-up pair of jeans that were held up by a rope and a T-shirt that said, "I Voted For Me!" He looked at Searle and me, and when he spoke, it was in his secret hillbilly voice. "Slop time!" he said, scratching himself, and headed to the kitchen. "People are getting themselves a mess of wrongheaded notions about me," he said, as he ate the skin off all the fried chicken for tomorrow's luncheon in honor of the last show of "Designing Women." "I seem to be about as popular as a blob of brown spit in a cup full of punch! How come is that? Everbody and their little sister is hollerin' at me about the deficit, but I'm doin' 'bout all a man can do! I set up most every night, cipherin' on the budget, squeezin' here and freezin' there and still I ain't a-pleasin' anywhere! Dukee, there's only one way for me to get my facial features up there

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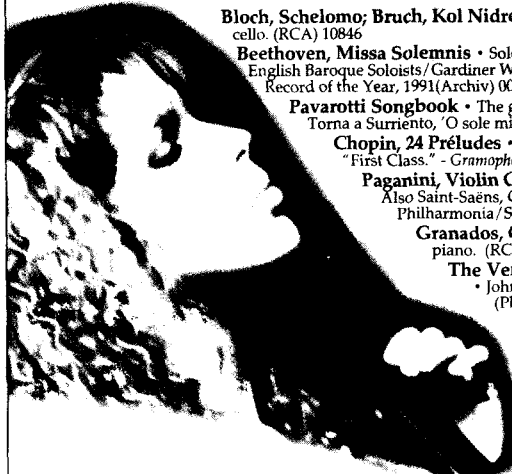


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next to the other four fellas on Mount Rushmore, and that's to get me out of this town full of fancy pants and into the middle of some real Americans!"

He thanked us for sitting with him, ate a box of Peanut Butter Cap'N Crunch and went to bed.

Tuesday, May 18

So the Flap hit the road to try to polish his image. There have been complaints that he hasn't been taking questions from the press, so in San Diego met with reporters from the "Bolden Bulletin," a paper put out by third-graders. A little girl named Patty asked, "My daddy says you promised to cut the deficit in half and now you haven't. Why did you lie?"

The Flap said to her, "Patty, I'd just like to say how happy I am for you that you've got a dad to whom you can speak so openly about this economy. I couldn't talk to my dad like that, Patty, because he ran off when I was a little boy. And, Patty, though I loved my mother, I couldn't talk with her much either because we were poor and she had to get bread on the table and she spent a good deal of her day at the dog track. Patty, I hope you feel closer to me now and in answer to your question, I did not say that I would cut the deficit *in half*. I said I would *have* to cut the deficit."

Usually these things go pretty well for the Flap, but about fifteen minutes into it, they were chanting, "Liar, liar, pants on fire!" so we cut it short and flew to L.A.

On the way, the Flap had a call from his brother, who told him he'd tried to strangle someone at the Knicks game. The man was making cracks about the Flap's hair. The Flap told Roger a true leader doesn't care what people think, only about what's right. He then made an appointment to see his hairdresser as soon as we got to L.A.

He also called Barbra Streisand, Richard Gere, Richard Dreyfuss and Michael Jackson, but no one could see him. They were all in Washington. So we kept the engines running and sat on the runway while Cristophe studied the Flap's head to think of something "revolutionary yet fun" they could do. "I'm not afraid of fundamental change," the Flap told him. "I know there's pain in it, but there's also promise."

Friday, May 21

The media's gone nuts over the hair thing. All they have so far is that the president tied up traffic for two hours while he got his hair cut, but they want the name of the stylist. The Flap is frantic that this be kept secret. "Oh, God! This will kill my common man thing, which I have been cultivating since the spring of the third grade." Mr. Steph told him that Reuters had Cristophe's name and was calling to confirm. "Deny it!" Flap said. "Tell them it's not Cristophe, it's *Christopher*. Tell them Warren Christopher is cutting my hair as a *budgetary step*! *That* I'll show Boren we're serious about cutting this deficit!"

It didn't work. Jokes about this are everywhere, and the Flap is very depressed. We spent two hours with him in the kitchen after midnight. He was so depressed that

when the Supreme Court comes for lunch tomorrow, their appetizers of avocado stuffed with shrimp, crab, lobster and celery are now just an appetizer of celery.

DOUGLAS G. McGRATH is a New York writer.

Britain's speeding Americanization.

LONDON IS DEAD

By Steven Daly and Nathaniel Wice

Twenty thousand people turned out in London's Picadilly Circus two weeks ago in a torrential downpour to witness the unveiling of a new cultural monument. The veteran paparazzo Richard Young told the morning papers he'd never seen anything like it in his two decades of work. An array of royalty gathered for a rare public show of solidarity: Bruce and Demi, Schwarzenegger and Shriver, Stallone and Gibson. The occasion was the opening of Europe's first Planet Hollywood restaurant franchise.

While the Britification of the American media has been documented to exhaustion, a reverse phenomenon has been virtually ignored. There can rarely have been a time when British popular culture was more saturated with things American. Today the most visible football regalia on London streets is not that of Arsenal, Chelsea or Tottenham Hotspur—it's the silver and black of the L.A. Raiders, as trademarked by California's gangsta rappers. A viewer in Walthamstow knows as much about New York T.V. as her counterpart in Hoboken, New Jersey, thanks to "Manhattan Cable," a freak show digest of the strippers and loners who command the city's late night public access channels. The show's host, Laurie Pike, is just one of three wacky, mouthy American female hosts (Rubie Wax and Katie Puckrick being the others) flourishing in the fickle climate of U.K. television.

From Camille Paglia to Dunkin' Donuts, American popular culture is not merely fashionable in Britain, it's close to hegemonic. And when the Brits are not importing Americana, they're copying it. Comedian Sean Hughes's popular British comedy, "It's Sean's Show," is a direct rip-off of "It's Garry Shandling's Show." With "The Last Resort," Jonathan Ross installed himself as Britain's premier talk-show host by lifting wholesale David Letterman's meta-talk-show format, complete with corny cityscape backdrop, pedestrian-harassing outside broadcasts and Elvis Costello's former pianist as the Paul Shaffer rock-biz burnout band leader. Ross's last series, which followed his on-the-road telejournal "Americana," featured high-

octane U.S. show-biz gossip from two catty personalities unashamedly based on L.A.'s syndicated "Hollywood Kids."

Elsewhere, "291 Club" attempts to translate the roiling fervor of the "Saturday Night at the Apollo" variety show to East London's Hackney Empire; "American Gladiators" is recast as "Gladiators," with equally ludicrous characters such as Wolf, Hawk and Storm; Chrystal Rose is Britain's Oprah, trolling England's meager hinterlands for uncharacteristically exhibitionist nuts and sluts with blessings from the locally popular original; some years ago the Labour M.P. Robert Kilroy-Silk briefly charmed U.K. housewives by adopting Donahue's silver-haired smoothie act for his own talk show. For "Brighton Belles," the producers licensed the already familiar scripts of "Golden Girls" and translated only the cultural references of Florida's Sunbelt leisure life to the shabby gentility of an English seaside town.

Taking a lesson from the anarchic posses of America's ubiquitous Morning Zoo radio format, English T.V. producer Charlie Parsons created the Zoo T.V. genre. The first offering was the rabidly Americanocentric, wildly successful youth magazine show "The Word"—a typical edition included features on Shaquille O'Neal, Jeff Stryker, the California porn star, and a policeman from Albuquerque, New Mexico, who had had a penis enlargement operation.

Several American shows are supported by the British longing for tan lines and cloudless climates. Fox's "Studs" was a cult hit last year when original episodes began airing in Britain. When the cast of "Baywatch" recently walked among the pale, acned teenage throng of "The Word," the contrast provoked an outburst from series editor Paul Ross. Explaining why he wants his studio audience to look like "Beverly Hills 90210" extras, Ross offered the *Times* of London the following assessment: "Pond life don't want to watch pond life." Although a clutch of Manchester students will soon re-enact MTV's Soho loft soapumentary "The Real World" for the BBC, Channel Four has bet its ratings on the original program. As a station executive recently opined, both will be soporific, but post-adolescent lassitude is somehow acceptable when it has good muscle definition and straight teeth.

Americanophilia, for the first time, has also genuinely made it up the intellectual ladder. The most talked about English journal of the moment is the two-year-old *Modern Review*, published bimonthly under the rubric "Low Culture for Highbrows." Here, the best minds of the under-30s devote themselves to analysis of such seminal *textes* as *The Addams Family* and "Cheers." "Baywatch," which in the United States is discussed mainly in *T.V. Guide*, was a recent cover story. High-lowbrow T.V. programs like "The Late Show" and "The South Bank Show" increasingly depart from their traditional menu of Harold Pinter and Salman Rushdie to walk a journalistic beat—with appropriate detachment, of course—more commonly associated in this country with Leeza Gibbons and Mary Hart. The producer of

the well-reviewed documentary series "Naked Hollywood," Nick Kent, is at work on "Naked Sport," in which he focuses on the business of American pro sports even though the superstars and their games remain largely unfamiliar to Britons.

It's been a remarkable turnaround, almost as if the end of the cold war has relieved the British of any pretense that they're not complete Americanophiles at heart. Not so long ago, many strains of popular culture were defiantly anti-American. Emerging from London in 1976, punk rock was a literal expression of The Clash's anthem, "I'm So Bored with the U.S.A." Now, Seattle-based grunge rock has taken such a firm hold of the Brit imagination that there have been calls to reassert cultural pride. One music magazine turned the music hall song, "Who Do You Think You Are Kidding, Mr. Hitler?" into the headline "Who Do You Think You Are Kidding, Mr. Cobain?" (as in Kurt, lead singer of Nirvana). This, a year after the icon of disillusionment, Morrissey, sang, "We look to Los Angeles for the language we use / London is dead / London is dead."

At a time when overall movie attendance is significantly up in Britain, 95 percent of last year's box office went to U.S. imports. Of the top fifty films, only No. 35, *Howard's End*, was British. Not so long ago the British film industry could boast *Gandhi*, *Chariots of Fire* and *Absolute Beginners*, a musical version of Colin McInnes's pungently English '50s youth culture novel. Last year the main event was *Peter's Friends*, a *Big Chill* retread written by an American comedienne. Maybe bright young directorial hope Danny Cannon will be able to awaken British cultural pride later this year when he lights up the marquees with his first feature. It's called *Young Americans*.

STEVEN DALY writes for *The Face*. NATHANIEL WICE is a New York writer.

WHITE HOUSE WATCH

SAFE HAVEN

By Fred Barnes

THE back and forth of the Bosnian peace process did not serve President Clinton well. He and his aides were repeatedly surprised (when Bosnian Serbs rejected the Vance-Owen peace plan, when Russia proposed a new wrinkle on it, when domestic political support for American military intervention vanished, etc.). And the president climbed out on limbs, only to have Secretary of State Warren

Christopher ease him back. Clinton, speaking on April 21 at a reception for the opening of the U.S. Holocaust Memorial Museum, cast Serbian atrocities against the backdrop of the Holocaust. "The new Europe is not yet free of old cruelties and . . . contemporary horrors like the slaughter of innocents in Bosnia have not disappeared." Christopher corrected Clinton on May 18 before the House Foreign Affairs Committee. "It's been easy to analogize this to the Holocaust, but I never heard of any genocide by the Jews against the German people. But here you have atrocities on all sides."

Chaotic and unpredictable as the process was, it led to a sensible American policy. Sure, Clinton suffered for seeming to vacillate after deciding on May 1 to inject American military force into Bosnia. He *did* vacillate. But the result was worth it: a policy based on American interests that doesn't rely on military force. European allies weren't ready for a risky military offensive anyway, and no amount of Clinton cajolery was going to persuade them. If they'd bought the Holocaust analogy, they would have eagerly turned to force on their own. But they didn't. Assuming Congress authorized immediate force by the United States alone, it could have led to a situation that produced a major rift with our allies and, as Christopher put it on May 18, "mires us down in the quagmire of Bosnia." Realizing he was on the verge of making Bosnia—not the economy, not health care, not Russia—the centerpiece of his presidency, Clinton stepped back. It was a retreat, but a prudent one.

Allied resistance and congressional qualms weren't the only reasons. Christopher flew to Europe to inform the allies after the decision had been reached to use force. He telephoned Clinton nightly to give him a run-down of the reaction (negative except for the Germans and the Dutch). By midweek Christopher sensed Clinton's commitment to the military option was wavering. Tom Donilon, Christopher's top political adviser, talked daily to George Stephanopoulos, the White House communications director, and got the same signal. Christopher and Donilon weren't surprised. Through State Department channels, they received reports as they traveled about public opinion and Capitol Hill sentiment. Also, they knew Clinton advisers were growing wary of allotting a disproportionate amount of the president's time and capital to Bosnia. So when Christopher got back from Europe, he didn't object when Clinton suggested Bosnia policy be left to further diplomacy.

It wasn't until two weeks later that Clinton adopted a new, scaled-down policy. The beauty of the policy is that it pegs America's role at roughly the level of our moral and geopolitical interest in Bosnia. There's no imperial overreach. It leaves the United States in a leadership position but minimizes the use of American force (only to protect U.N. troops under attack). It also takes Bosnia off the president's daily agenda. True, the policy is basically what the British and French wanted: continued sanctions against Serbs and safe havens for Bosnian Muslims. But it leaves the Clinton administration room to maneuver. Christopher and national security adviser

Anthony Lake are dubious that sanctions and safe havens alone will work. A negotiated settlement won't come until the Bosnian Muslims are armed and able to challenge the Serbs militarily. Well, we'll see about that. In any case, the Europeans won't agree to lift the arms embargo and order limited air strikes ("lift and strike") against the Serbs anytime soon, and Clinton wisely won't insist. In the meantime, he has a defensible policy to hang his hat on.

There's a Machiavellian theory about how Clinton and his underlings wound up in this safe policy haven. It's based on Clinton's foreign policy operatives having experience, brains and even cunning. Christopher worked for four years as Jimmy Carter's deputy secretary of state, most famously on freeing the American hostages in Iran. Lake was a senior aide in Henry Kissinger's National Security Council, quitting that caldron of intrigue in 1970 over the invasion of Cambodia. The theory: they knew it was risk-free to threaten the Serbs with military force because they knew the Europeans would veto it. Meanwhile, the threat worked. When word leaked that Clinton had decided on force, the Serbs made concessions. Then, right on schedule, the allies balked, so U.S. servicemen weren't deployed. (Clinton had said any action would have to be multilateral, not unilateral.) Having moved the peace process to a new plateau, Clinton settled into a lesser role.

Nice theory, but actually the Clinton team was not Machiavellian, just lucky. "If the allies had agreed," says a senior State Department official, "we'd have done it." When the allies didn't, Clinton looked at other options. Unilateral action wasn't one of them. "The president was never prepared to say, 'If they don't like it, I'm going to do it anyway,'" the official says. Among other things, that would have put the United States in violation of a U.N. embargo, just like Iraq. This option had no advocates in the Clinton administration. "Just thinking about using American force in Bosnia does give you a sinking feeling in the pit of your stomach," the official adds.

Clinton had two other things to ponder. One was how aggressively to prod the Europeans. Not very, he concluded. "We decided not to tear apart our relationship with Europe" over using force, says a White House official. "There are a lot of other things we've got to get done with them." Contrary to reports, the allies were not waiting expectantly after May 1 to have an American position imposed on them. "If we'd said, 'Take it or leave it,' they'd have left it," says the White House aide. Second, Clinton had to peg how high a priority Bosnia should be for his administration. This prompted what one aide calls "hard-nosed interest analysis." The conclusion: there's an American strategic interest in keeping the conflict from spreading beyond Bosnia, but aside from that, the peace process is a higher priority for Europe than for the United States.

That process, after all, didn't do Clinton any personal favors. He was indecisive, and it showed. Thus his

administration was threatened with what Clintonites dubbed "drift and rift." Once force was rejected by the allies, Bosnian policy meandered, and the possibility of a U.S.-Europe split loomed. At a news conference on May 14, Clinton seemed in a state of clinical denial. "I have a clear policy," he boasted. "I have gotten more done on this than my predecessor did, and maybe one reason he didn't try to do it is because you can't force everybody to fall in line overnight; the people that have been fighting each other for centuries. You may be accused of vacillating. We are not vacillating. We have a clear, strong policy." Yes, Clinton had gotten more done, but he knew his policy was fluttering and ambiguous, as did Christopher.

Christopher acted, with Clinton's assent. He is extraordinarily close to the president, sending a memo to the White House at the end of every day. And Christopher regularly impresses on his subordinates the need to protect Clinton from political harm. On May 17, the night before Christopher was to testify before the House Foreign Affairs Committee, he and an aide worked over dinner to flesh out principles underpinning Clinton's policy toward Bosnia. These turned out to be mostly negative. (Christopher cleared them with Clinton.) "The first principle is that we will not act alone in taking actions in the former Yugoslavia," he told the committee. "... At heart, this is a European problem. ... Second, the United States will not send ground troops into Bosnia to engage in military action." The third principle was face-saving: the administration still wanted to lift the arms embargo and use air strikes. But since the allies wouldn't go along, the peace process must turn to a "new round of negotiations."

That evening, Christopher fastened onto a short-term goal for the talks. "We've got to get what we can agree to [among the allies] on paper now," he told an aide. The United States, Britain, France and Russia would settle on a lowest common denominator, a starter policy they'd promulgate as "a joint action program." It would deal with both drift and rift, and dramatically reduce the chances of putting Americans in harm's way in Bosnia. Clinton quickly approved the idea, and Christopher began working up a document. He agreed to safe havens, pockets where Muslims will be protected by U.N. troops, though both he and Clinton had been publicly skeptical of them earlier. Russian Foreign Minister Andrei Kozyrev talked up his idea of "progressive implementation" of the Vance-Owen plan, which calls for dividing Bosnia into ten ethnic areas. But that was boilerplate, and everyone knew it. "Building on the Vance-Owen process ... is the way a durable peace can be established," the four-page document said.

On Friday evening, May 21, Christopher went to the White House with the final draft of the document in his hand. He and Clinton met in the Oval Office. The president scanned the document and signed off. "It would have been very easy to do the wrong thing, to get involved in something like the Bay of Pigs," says a Clinton aide. Not anymore. •

What works in Head Start?

FRESH START

By Douglas J. Besharov

America's favorite anti-poverty program is Head Start, and no one is a bigger fan than Bill Clinton, who wants to nearly triple its annual financing, from \$2.83 billion in 1993 to \$8.14 billion in 1998. Yet Head Start is in political trouble. Most analysts no longer support its standard claim that "for every dollar we invest today, we'll save three tomorrow." They believe that the gains made by Head Start children disappear—"fade-out"—within two years. The program took a big hit in March, when a report by the Inspector General of the Department of Health and Human Services was leaked. Head Start, it concluded, had fallen drastically short in providing vaccinations, medical tests and health care.

To its credit, the administration—including the president—quickly acknowledged these problems. And it has since made clear that all aspects of the program are open to review. HHS Secretary Donna Shalala told *Washington Post* editors, "We should not be in the business of just pouring money into the existing program when we know that there are some fundamental problems." Head Start supporters in Congress acknowledge its problems too. As Senator Tom Harkin warned: "I would not want to spend double [on the program] as it is now."

So, everyone wants to improve Head Start. The question is how. Here are some guidelines:

Insist on better management. Head Start began in the 1960s as a series of grants to local anti-poverty and public agencies. Since then it has grown into a sprawling program with almost 2,000 local agencies, which in turn operate about 36,000 classrooms. Head Start's favored status has shielded it from the need to meet ordinary standards of accountability. Grantees are all but guaranteed annual refinancing. Unlike most other federal programs, they are not required to show results before receiving more money; nor do they compete against other agencies that want to provide the same services.

Moreover, Head Start is operated as if it were still a small project. The program is run by some 200 HHS employees, who are responsible for site visits, performance reviews, rule-making and training. As a result, administrators can provide only the loosest management. Although the data are recorded on refunding applications, there is no list of Head Start sites or their enrollments. And even though a recent evaluation suggests that poor attendance has become a serious problem, there is no process for collecting reliable informa-

tion on how many children actually attend classes on an average day. At the very least, Head Start needs an administrative reporting system capable of determining how many children come to class and whether they actually receive vaccinations and other medical services.

Fix the program. Don't just make it more expensive. Clinton's promise of billions of additional dollars let loose a torrent of demands for building renovations, new buses and other "quality improvements." One proposal supported by Shalala is to double the salaries of Head Start workers. But this would cost about \$2 billion—without enrolling one additional child. Any cost increase should be judged by whether it makes specific improvements. Is it likely to lessen fade-out? Will it improve medical care?

Give more to Head Start parents, and expect more of them too. As a former National Head Start Association officer put it: "We look back on the poverty of the 1970s as the good old days. Poverty is getting uglier." Today, most Head Start children come from single-parent homes; about 70 percent are on welfare. To give a sense of the problems faced by many Head Start families, consider these statistics collected by a center in Vermont: one-third to two-thirds of its families had substance abuse problems in the home, 40 percent of its mothers had their first child as a teenager and 32 percent of the parents had no high school diploma or GED. How do we respond to these problems? Preschool programs must focus on *both* the child and the parent.

Although parent involvement has always been an important Head Start goal, few programs were ever given the funds to provide parent-oriented services. Their absence has become more evident as the conditions of poverty have worsened. As one social worker put it, sometimes what a child needs most is "a mother who can cope." Recently, some Head Start programs have stretched their limited funding to provide at least minimal services for parents, including health care and nutrition and literacy classes.

Link Head Start to welfare reform. Clinton has vowed to "end welfare as we know it" by providing "people with the education, training, job placement assistance and child care they need for two years—so that they can break the cycle of dependency. After two years, those who can work will be required to go to work, either in the private sector or in meaningful community-service jobs." The welfare mothers required by Clinton's plan to participate in training or public service jobs will need care for their children. Head Start would be the natural provider, were it not for its limited hours: the average program operates four hours a day, nine months a year. Rather than creating a new child care system, make Head Start full-day, full-year. Expanding Head Start in tandem with welfare reform would be a social welfare "twofer"—more preschool programs for disadvantaged children and expanded job training for their parents.

End Head Start's isolation. When Head Start was established, it was the principal federal child care program for disadvantaged children. Now, however, it is part of a much larger mosaic of preschool services for disadvantaged children—a fact rarely mentioned in the debate

about its future. Between 1987 and 1993, annual federal spending on child care rose from \$3.3 billion to about \$6.5 billion. Only \$2.8 billion of this is for Head Start; the remainder is for other child care programs.

Sadly, having many programs doesn't mean there are many options. Inconsistent administrative rules and requirements make the coordination of services time-consuming and problematic. All this is complicated by Head Start's unique status as a federal demonstration program. Grantees receive funds directly from the federal government, unlike most child care and welfare programs, which receive their funds through the states.

The Head Start community has always opposed integration with the larger child care world, in part because of its roots in the civil rights movement, but also because grantees fear losing their independence. In 1974, as governor of Georgia, Jimmy Carter proposed transferring supervision of Head Start to the states; the idea was met with immediate hostility and quickly dropped. But the need for meshing the various child care programs is even greater today. Head Start is no longer a small demonstration program. If financed at the levels the president proposes, it will become more ungainly and out-of-step with local programs. Barring our ability to give Head Start to the states, we at least need a more formal mechanism for local and federal coordination.

Don't rush expansion. Clinton has proposed giving Head Start grantees an additional \$16 billion between now and 1998. Unless there is a sound plan for expansion, this money could hurt the program as much as it could help it. Ed Zigler, one of Head Start's founders, cautions, "We started Head Start too quickly. We started it too big, and we have ever since been playing catch up with the quality issue."

The danger is that this will happen again. Head Start is still having trouble absorbing Bush-era increases. According to the Inspector General, during the three 1990-91 increases, which totaled \$425 million, 13 percent of grantees were unable to spend all of their funds: more than half of these had trouble finding and renovating facilities, around 50 percent had difficulty finding qualified staff and more than 25 percent were unable to locate eligible children. As a result, they served 6 percent fewer children than had been financed. During the next wave of Bush increases, which added \$502 million, 25 percent of grantees did not even apply for grants.

The pitfalls of overly rapid expansion were made clear this year. Clinton's proposal in his now-extinct stimulus bill to spend \$500 million for new summer programs sent Head Start offices into a planning frenzy. Even before the bill failed in the Senate, it became apparent that many grantees would have difficulty switching to a year-round schedule. Some did not have the use of their classrooms over the summer and were having trouble finding alternate facilities. The bigger problem, however, was in getting workers and children to participate, as many already had summer plans.

One senator's office received a call from a Head Start staffer who reported that, in a misguided attempt to carry out the summer program, her center issued the following statement: 1) Staff unwilling to work through the mid-July end date will be immediately terminated. 2) Unemployment benefits for those who quit in response to this threat will be contested. 3) Four-year-olds who do not enroll in the summer session will not receive a certificate of completion. 4) Three-year-olds who do not enroll for the summer session will automatically be put on the bottom of the waiting list for the next year. 5) Children with plans to spend the summer outside the center's area (for example, by visiting with the other parent, a grandparent or other relatives) must delay the visit until after the summer session.

Old hands like Zigler foresaw stories like these showing up in newspapers across the country. The director of a large, inner-city program summed up these fears when he said that the summer money "could kill Head Start. In the time we have, there is no way we can spend that money to create a viable summer program."

Preschool programs, no matter how well-run, can do only so much to combat poor prenatal care, inadequate nutrition, lack of suitable role models and dangerous neighborhoods. Making the grandiose claim that Head Start can cure poverty sets it up for an inevitable fall. Properly redesigned and administered, though, it could form the base for a more comprehensive effort to help underprivileged children. Given the oversimplification that permeates public debate over the program, it won't be easy for elected politicians to adopt a critical—but supportive—approach. But if they don't, it's hard to see how Head Start will ever live up to the high hopes of the American people for an anti-poverty program that actually works.

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Clinton's civil rights blooper.

GUINIER MISS

By Abigail Thernstrom

Lani Guinier, President Clinton's nominee for the nation's top civil rights post, isn't your garden-variety civil rights advocate. She wants not only vigorous enforcement of existing law, but a remedy for what she calls a "fundamental flaw in our democracy"—a change in the method by which we count votes, both in the polling booth and on the legislative floor. Indeed, her proposals make existing affir-

mative action programs look tame.

Guinier, who teaches law at the University of Pennsylvania, specializes in minority voting rights. A former attorney for the NAACP Legal Defense and Education Fund, she worked tirelessly during the Reagan years as an advocate of race-based districting plans. But as she now acknowledges, plans drawn to separate blacks and whites into racially identifiable districts can have their costs. Blacks elected to a city council, for example, often end up outnumbered by white colleagues who have no ties to black voters. It is to Guinier's credit that she has rethought the strategy to which she was once so attached.

Having gotten one basic point right, however, she has now veered off course. There is an obvious solution to the set of problems racial gerrymandering creates: call the federal dogs off. Leave the districting process (and other decisions about the structure of elections) to the local and state political process. That is, assume that in the 1990s, in most places, the power of the minority vote will protect minority interests, and let the courts and the Justice Department intervene where blatant discrimination is still evident. But that's not what Guinier proposes. Quite the opposite. As she explained at length in a series of recent law review and other articles, she would extend the regulatory state to ensure proportionate minority power—"roughly equal [legislative] outcomes."

In her view, without extraordinarily protective arrangements blacks are politically powerless. They are still a "pariah group: systematic losers in the political marketplace," she wrote in a 1989 law review article. Her solution is to turn losers into winners by discarding majority rule, what she calls the "illegitimate" system in which those who are "outvoted . . . don't count."

To be sure, not all of her views are equally extreme. She supports, for example, an electoral system called cumulative voting, which allows all citizens—black and white—in multimember districts to cast more than one vote for a particular candidate. This enables minorities to concentrate their votes behind minority candidates. For example, blacks in a city-wide election for five open council seats could cast their five available ballots for one black candidate, who could win election even with a small minority of the votes. Cumulative voting, restricted to state and local elections, is an idea that helps maximize the clout of minorities, while not teetering into separatist logic (see "Gimme Five" by Richard H. Pildes, *TNR*, March 1). The problem is that Guinier would not leave the choice of an electoral scheme up to the voters themselves; she would have courts and Justice Department attorneys make such decisions for them, by imposing cumulative voting as a remedy for inadequate minority representation.

But, unfortunately, cumulative voting is her least radical proposal. In her quest for "just results," a "fair share" of the legislative pie, Guinier embraces an updated version of John C. Calhoun's notion of concurrent majorities, whereby legislation could not pass with-

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out the support of a majority of minority representatives (Calhoun had in mind representatives from Southern slave states). She also proposes that black legislators be given the power to veto bills particularly important to their constituents. In a 1991 article in the *Michigan Law Review*, she made reference to the possibility of weighted voting for minorities (two votes for blacks, one for whites). In a 1992 article in the *Boston Review* titled "Second Proms and Second Primaries: The Limits of Majority Rule," she suggested that just as black students in a white majority school need separate senior proms, black representatives in a white majority legislature need some sort of black separatist political arena—though she did not specify precisely what she meant.

In addition, Guinier would urge Congress to amend the Voting Rights Act to reverse a 1992 Supreme Court decision that she likened to a "lynching" in an op-ed piece in the *Philadelphia Inquirer*. The Court, she wrote, was an instrument of "white supremacy." The Court's racist crime? It had restricted the reach of the Voting Rights Act to matters of voting. The Justice Department and the courts, it said, can't monitor every budgetary decision, every change in procedural rules, that might affect the governing power of a black official. But such massive bureaucratic surveillance is precisely what Guinier advocates.

What's disturbing is her extraordinary faith in electoral and political engineering to guarantee that the right people have the right amount of power. In her view, legislative clout should not be a matter of numbers, organization, talent or skill at coalition building—at least not for blacks. African Americans are entitled to protection from legislative defeat on the issues that particularly interest them.

Even more troubling are the assumptions from which her specific recommendations flow. Her starting point is total distrust of white America. "Racism excludes minorities from ever becoming part of the governing coalition ...," she wrote in a 1991 *Virginia Law Review*

article. In that same piece, Guinier approvingly quoted two academics who asserted that "blacks live in a different world from whites." In a *Michigan Law Review* article that same year, Guinier depicted whites as a "hostile, permanent majority." Here is the heart of the matter. In Guinier's picture of American society and politics, whites all think alike (they are a "permanent, homogeneous majority," she wrote in the *Virginia Law Review* article). In still another article, she wrote that "mainstream Democrats do not accept black Democrats" (if they did, Jesse Jackson would have been on the 1988 ticket); whites who need black votes still ignore black constituents; and whites have power, while blacks don't. In fact, in Guinier's world, black constituents can lack representation even if their elected officials are black.

If the officeholders are not "community-based," "culturally rooted" and politically and psychologically "authentic," then they're "tokens"—contaminated by white support. Thus neither Virginia Governor Douglas Wilder nor Andrew Young counts as a "black advocate"; they are too "assimilated" into the political mainstream. The authentic black has a "distinctive voice" and a level of group consciousness incompatible with white enthusiasm.

The civil rights division, which Guinier would head, enforces the law, initiates suits,

joins ongoing cases and writes amicus briefs (although these are generally subject to the solicitor general's approval). It also recommends legal, legislative and regulatory remedies where "discrimination" has been found. In addition, it is the funnel through which civil rights initiatives in other agencies, such as Education and HUD, travel. Thus Guinier will have the power, for instance, to attack disciplinary measures in schools, funding formulas, classes for the academically gifted, "Eurocentric" curricular materials and competency tests, all on grounds of disparate racial impact. She will have the authority to insist on employment and promotion quotas where too few blacks—by the standard of proportionality—have been hired. She will be free to



LANI GUINIER BY VINT LAWRENCE FOR THE NEW REPUBLIC

initiate suits to modify sentencing practices—labeled “discriminatory”—that send a disproportionately high number of black men to jail.

Among Republicans, Jewish organizations and other scattered critics of race-based, group rights policies, there’s a stop-Guinier movement afoot. Her writings make even such liberal Democrats as Senators Joseph Biden and Patrick Leahy nervous. It is not her competence they question. It is her views that are objectionable, and that’s a legitimate concern. Senators who take their jobs seriously will ask whether her policies are likely to square with theirs. After all, Congress makes the laws that she will enforce. Civil rights legislation is open to a wide variety of interpretations. Will her views rewrite statutes that have already been bent out of shape? And if so, in ways that drive members of racial and ethnic groups further apart, exacerbating tribal politics? Clinton promised us Democrats with a different voice. We seem to be getting them—just not of the sort we expected.

ABIGAIL THERNSTROM is the author of *Whose Votes Count? Affirmative Action and Minority Voting Rights* (Harvard University Press).

The real story of David Owen.

LORD FRAUD

By Noel Malcolm

I almost got David Owen appointed governor of Hong Kong by mistake. I exaggerate a little, but the story says something about the hit-and-miss nature of political life, and David Owen’s political life in particular. It was January 1990. Six months after the massacre in Tiananmen Square, it seemed a good idea to replace the dull diplomat who was then governor of Hong Kong, so I suggested it in a column. That was the serious part. Why not, I mused, replace him with David Owen, who was at least an expert in the art of appearing to defend a tiny and indefensible position in the face of overwhelming odds? That last comment was the humorous part. It referred to Owen’s disastrous record as a party leader, which had left his party, the Social Democrats, with precisely three members of Parliament (out of a total of 651). But not long afterward, I heard on the grapevine that he was glad to be considered for the job, and was just waiting for a call from the prime minister. This was getting beyond a joke.

As luck would have it, Owen went to Peking in February 1990 to give a lecture to the People’s Institute for Foreign Affairs. It promised to be an interesting occa-

sion, since he had been notably hawkish on Communist affairs and was already criticizing Margaret Thatcher for treating Gorbachev as a democrat. But his speech to the People’s Institute struck a somewhat different note. “Having been victimized by the Cultural Revolution and humiliated and abused by students,” Owen observed, “it is not hard to see why Deng is cautious in the extreme about political liberalization.” Then, after referring to communism’s collapse in Eastern Europe, he assured his audience: “Your country has a very different history, development and value system from that of Europe.” As facts, of course, these remarks were correct; no doubt they were meant to show his grasp of realpolitik. But one could have been forgiven for imagining that the message they sent to the Chinese government was: “Don’t you think I would make a very acceptable governor of Hong Kong?”

His whole story tells us something about the character of the man now parading around the world and American T.V. screens as the master diplomat and elder statesman. He is one of the most highly regarded but least successful people in British politics. Like many politicians, Owen has principles; but of all his principles, the most important one has always been the advancement of David Owen.

Throughout the first half of his life, that aim seemed destined to be fulfilled. The son of a country physician (not a member of the nobility—Lord Owen’s title was only bestowed on him at the end of his career), he studied medicine at Cambridge and qualified as a doctor in 1962. Hence his sobriquet “Dr. Owen”—a title he retained after ceasing to practice medicine six years later. Meanwhile, he’d been elected to Parliament as a member of the Labour Party and had taken part in an entirely unsuccessful plot to depose the prime minister, Harold Wilson, in favor of a more right-wing rival. Despite being at odds with Wilson’s policies, Owen was given a succession of jobs in the Labour governments of the late 1960s and 1970s: first as an official for the Navy (because his district included a large naval base), then in the Health Department (because he’d been a doctor) and then, in 1976, No. 2 at the Foreign Office. (The rationale there was murkier: his experience in international affairs consisted mainly of his whirlwind romance with an American literary agent, Deborah Schabert, whom he married after three weeks’ acquaintance in Washington in 1968.)

When the foreign secretary, Tony Crosland, died suddenly the next year, Owen was propelled into his place. It was a startling appointment: he was, at the age of 39, the youngest foreign secretary since Anthony Eden was appointed in 1935. One explanation at the time was that he had been recommended for the job by the prime minister’s son-in-law, the journalist Peter Jay. This theory gained credibility when, two months later, Owen nominated Jay to be ambassador in Washington.

From the beginning, Owen’s arrogance—the same arrogance that has him lecturing American senators—was a liability. The civil servants who worked for him

complained of his high-handedness. His superior minister at Health noted in her diary, "I like David and am glad of his endless policy initiatives, even if some of them are only half thought through and, having started them, he drops them suddenly." This estimate was borne out by his efforts to solve the Rhodesian crisis in 1977-78, when his unsuccessful initiative required so many trips to Africa that he became known as "the flying doctor."

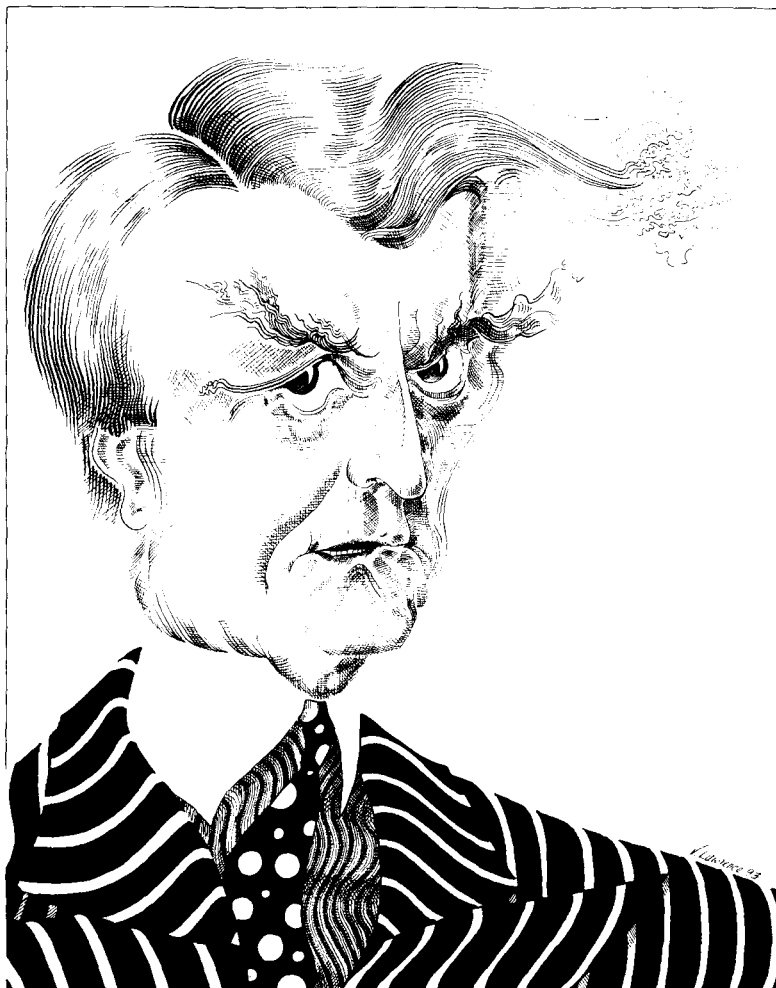
But the main problem with David Owen in the 1970s was that he was out of tune with the policies of his party. He was a domestic liberal but foreign policy conservative. After Thatcher's election victory in 1979, Labour lurched to the left and abandoned any defense policy based on nuclear deterrence. Many in the party, such as Denis Healey, were dismayed by this; but unlike Owen, Healey decided to stay and fight the left from within. Owen, with three other Labour honchos, set up a new party instead: the Social Democrats. Healey never forgave his former colleagues and later wrote the most famous pen-portrait of Owen: "At his birth, the good fairies gave him almost everything: dark locks, matinee idol features, a lightning intellect. Unfortunately, the bad fairy added one other quality. She made him a shit."

The Social Democratic Party, launched in early 1981, enjoyed instant popularity, although its politics were somewhat vague. They remained equally vague to Owen, who, while still a member of the Labour Party, had just published a book in which he called his policies "socialist." For the second edition, printed after the creation of the SDP, he simply went through the book altering "socialism" to "social democracy." Disagreements over defense were harder to paper over. In the electoral alliance that the Social Democrats formed with the more left-wing Liberals, Owen's hawkishness was a severe problem. The alliance held together—just—for the elections of 1987, when it came in a poor third. The Liberal campaign manager remarked that Owen had been "abrasive and impatient ... devastatingly dismissive of others' opinions, and obsessed

with talking about nuclear weapons."

The two allied parties agreed, by majority vote, to merge into a single party. But Owen would not accept the verdict of the majority and formed with two colleagues what he called "the continuing SDP." In May 1990 the party fought a special election to replace a deputy who had died; their candidate won 155 votes, fewer than the anarchist protest group, the Monster Raving Loony Party. Owen finally announced the end of the SDP and left Parliament in 1992. Then, it was just a matter of waiting for a suitably grand international job to turn up, in recognition of his striking personal history of political achievement.

Yes, I'm being ironic. David Owen's main achievement was that he damaged his old party, Labour, almost fatally in 1981 and ensured that it would lose the next two general elections. Meanwhile, he failed to win those elections with his own new party and nearly killed off his allies. The truth is that he has failed in almost every project he has turned his hands to, leaving a trail of wounded bystanders rubbing the shins that he kicked as he passed. The Bosnian debacle is only the latest example. Here the bystanders include not only irritated allies, but also the tens of thousands of casualties that have occurred while he has pursued his hopeless task. Many of his for-



DAVID OWEN BY VINT LAWRENCE FOR THE NEW REPUBLIC

mer colleagues in Britain have been puzzled by the persistence with which he has continued to woo the Serb warlords, even though he was on record (before he got the job last summer) that they should be bombed into submission. The explanation seems to be that completing the so-called "peace process" has become, like so many things in his life, a matter of personal pride. One other explanation, on the Westminster grapevine, is that he is hoping to become John Major's next foreign secretary. But this time let me make clear that I am not making any such suggestion—even as a joke.

NOEL MALCOLM is a columnist for the London *Daily Telegraph*.

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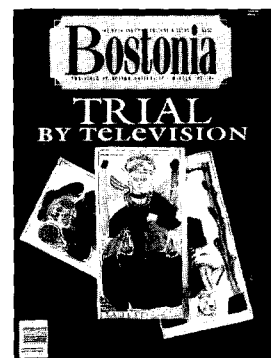
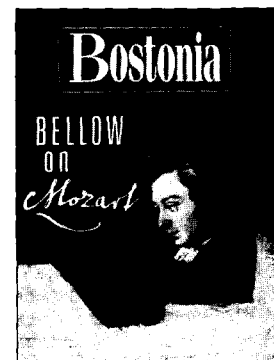
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THE ANSWER

By John J. Mearsheimer and Robert A. Pape

Three ideas for peace in Bosnia are now conceivable: the fast-fading Vance-Owen plan; the new European proposal to create U.N.-protected "safe havens" for the Muslims; and the much less discussed concept of partitioning Bosnia into three independent states. There's only one constant: the Western powers want peace in the Balkans and don't want to spend much blood and treasure to achieve it. The debate is therefore governed by a judgment of what will work and how much force will be required to achieve it. Within these constraints, partition is the best option: it is the only plan that doesn't deny the reality of what has happened, does not acquiesce in the decimation of the Bosnian Muslims and has a chance of being enforced without a major military embroilment. The Clinton administration should look it over.

Vance-Owen, which is still the West's primary conception of postwar Bosnia, offers nothing but trouble. The plan would leave Bosnia's current external borders intact while ceding power to ten semiautonomous provinces whose borders would be drawn along ethnic lines. Croats, Muslims and Serbs would each dominate three provinces, while the province around Sarajevo would be jointly administered. No group's provinces would be fully contiguous; instead, each would control two contiguous provinces, with a third province geographically separated from the other two. Each province would rule itself, subject to a weak central government comprising representatives from each ethnic group, whose cooperation might well be impossible after the brutal past year.

Vance-Owen would require a two-step military operation: compelling Bosnian Serb withdrawals from seized territories (required because the Serbs now control some 70 percent of Bosnia, while Vance-Owen assigns them only 43 percent), and getting Bosnian Serbs and Bosnian Croats to submit to rule from Sarajevo. Otherwise, the intercommunal slaughter will continue. The first step seems feasible, as we describe later in discussing partition, which requires a similar military oper-

ation. But Vance-Owen's land mine lies in the near impossibility of the second step: bringing power to Sarajevo.

Several factors combine to make this difficult. First, the Bosnian Serb and Croat populations want to join Serbia and Croatia proper. Their submission to Sarajevo must be compelled by force—village by village, street by street, house by house. Whatever army is responsible for bringing about this submission would face endless guerrilla resistance. Second, all three sides are well-trained in guerrilla tactics and well-armed for guerrilla war. Indeed, the military doctrine of the former Yugoslavia stressed such tactics, and the Yugoslav army held large stocks of weapons appropriate for guerrilla war (mines, light machine guns and light mortars). The Serbs, who will resist Vance-Owen most fiercely, inherited the lion's share of these weapons.

Third, the mountainous and heavily wooded terrain of Bosnia is ideal for guerrilla resistance. An American military planner notes that Bosnia is "the most mountainous and inaccessible, fortress-like part of the country"—the region to which the former Yugoslavian army planned to withdraw and wage war against an invader. Those who cite the Gulf war as evidence that we can go into Bosnia with ease should remember that Bosnia resembles Vietnam far more than it does Kuwait. Finally, Vance-Owen would create a weak Bosnian central state that would be too feeble to impose rule with its own forces. Western forces would have to fill this power deficit.

What forces would the West need to overcome these obstacles? Public discussion suggests NATO would need 50,000 to 70,000 soldiers to police a post-Vance-Owen Bosnia, but these numbers are far too low. The Bosnian Serb and the Bosnian Croat populations made up 50 percent of Bosnia's pre-war population of 4.4 million and controlled territory about two-thirds the size of South Vietnam. Together they now field roughly 120,000 armed combatants, many of whom are free from central control. Furthermore, they would see NATO coming and fortify themselves in the most defensible terrain. Large infantry forces would be needed to deal with these indigenous fighters. The NATO troop requirement is difficult to estimate, but we can figure a rough minimum from similar counterinsurgency campaigns.

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A peak commitment of 550,000 American troops was insufficient to defeat Communist forces in Vietnam. German and Italian forces of roughly the same size failed to quell partisan resistance in Yugoslavia during World War II. Earlier, Austria-Hungary needed 200,000 troops to subdue a smaller and less organized Bosnian population in 1878. Thus, a NATO force of 400,000 troops seems reasonable.

Even so, NATO troops are poorly suited for the war they would face—they are best at waging armored war against other conventional armies—and the citizens of NATO countries would likely find the nature of a guerrilla war hard to stomach. Winning such wars depends on intelligence collection. Unfortunately, the best collection techniques violate the laws of war: reconcentration of populations, torture of insurgents. Guerrilla war can be waged without these methods, but civilized tactics impose a high military cost.

For these reasons NATO would be unwise to try to enforce Vance-Owen, even in the unlikely event that the Bosnian Serbs sign it. The price of putting this humpty-dumpty of a multiethnic state back together again would be too great. If NATO takes a crack at the job, its Bosnian stay is likely to be painful and unsuccessful.

Safe havens are also a potential disaster. Under this concept the U.N. would send ground forces to protect six Muslim enclaves—Bihac, Srebrenica, Zepa, Sarajevo, Gorazde and Tuzla—that are now besieged by Bosnian Serb forces. Of the remaining 1.7 million Muslims in Bosnia, 1.2 million now live in the six havens, as residents or refugees. The U.N. forces would expand the perimeters of these areas and take “all necessary measures” to defend them from Serb or Croat attack. Reports say the current U.N. force of 9,500 British, French, Spanish and Canadian troops would be expanded by several thousand to accomplish these goals.

This plan violates a prime law of statecraft: the use of force should be married to a clearly defined political objective. Once the havens are secured, what next? The job of peace-making would be far from finished. Creating havens would leave Bosnia dotted with Muslim enclaves trapped in a hostile Serbian sea. Because they are geographically indefensible (Srebrenica and Zepa are less than ten miles in diameter) and economically unviable, the enclaves could never form the core of a new state, and maintaining them could impose a large military cost on the Western powers. Expanding their size would require costly offensive operations. A further risk is that the Serbs might move the war from the

havens to undefended areas, where nearly 500,000 Muslims reside. This could lead the U.N. either to abandon some Muslims for the sake of others or to expand the havens progressively to include all of Muslim-held Bosnia. Doing the latter would mean raising Western troop levels as well. The plan does a bad job of dividing the responsibility for peace: the U.N. would do too much, the Bosnian Muslims too little. What John Kennedy said of Vietnam should apply to the Muslims: “In the final analysis it is their war.”

A clear partition of Bosnia, while not perfect, is clearly the most feasible solution. Bosnia would be divided into three ethnically homogeneous states. The Croatian and Serbian states would be free to join Greater Croatia and Greater Serbia, respectively; the Bosnian-Muslim state would stand alone as an independent entity. Minority populations trapped behind the new boundaries could move to their new homes under U.N. auspices.

A lasting solution requires that the Bosnian-Muslim state be militarily and economically viable. It must form a single, compact whole; it cannot be a tiny “leopard spot” state. It must be large enough to pose a substantial obstacle to an attacker and to meet the economic needs of its population. The Bosnian-Muslim state should be centered on Sarajevo and cover a large portion of the eastern half of what was pre-war Bosnia-Herzegovina. The northern border should run from Teslic to Tuzla to the western bank of the Drina River near Loznica, along the northernmost mountain ridge before the Pannonian plain.

The western border should run from Teslic to Zenica to Konjic. This is mountainous terrain, and the Bosna River serves as a fallback line of defense. The southern border should run from Konjic along the Neretva River straight to the Serbian border. The Neretva Valley, with its high ridges, is a strong line of defense. The eastern border should run along the present border between Serbia and Bosnia up to Loznica. Most of this border follows the Drina River.

The remaining territory of Bosnia-Herzegovina would be divided among the Croats and Serbs. The Croats should get one large chunk of territory on the southwestern border of the new Bosnian-Muslim state. This would include most of the two major areas (provinces 8 and 10) awarded to them under Vance-Owen. The Serbs should be given the remainder of Bosnia-Herzegovina, which would include the Bihac and the Bosanska Posavina areas. The Muslims of Bihac (province 1 in Vance-Owen) would move to the new Bosnian-Muslim state, while the Croats in the small

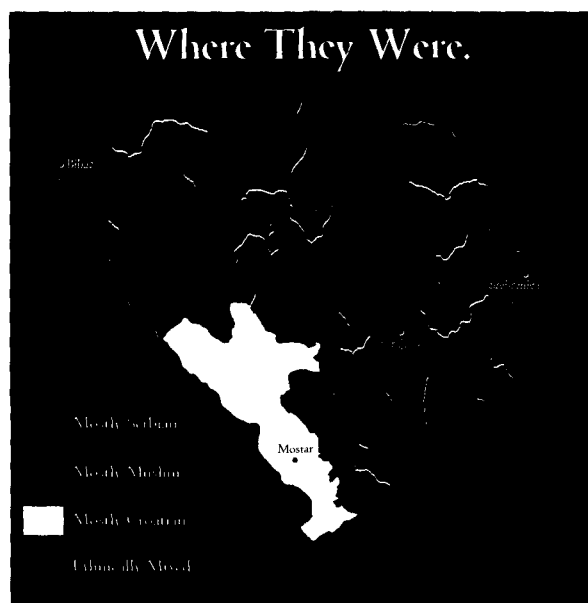


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area of Bosanska Posavina (province 3) would relocate to their new state.

The key territorial trade would be between the Muslims and the Serbs. The Serbs would give up much of their territory in eastern Bosnia (province 6) in return for Bihac (province 1), which the Muslims now control. But the Serbs would still control the southeast and northeast corners of present Bosnia-Herzegovina, and they would have a thirty-five-mile-wide east-west corridor running along its northern border, connecting Serbia proper to the Serbian regions of Western Bosnia and Croatia. Under this plan the Muslims would control about 35 percent (8,000 square miles) of former Bosnian territory; the Serbs, 45 percent (10,500 square miles); and the Croats, 20 percent (4,500 square miles). These percentages roughly reflect the amount of territory each ethnic group controlled in pre-war Bosnia.

How readily would the parties accept such a plan? We cannot tell for sure, because partition has not been widely discussed in public by the rival groups, but we can determine something about their attitudes from their past statements and behavior.

The Bosnian Muslims have shown little interest in partition and have instead argued for maintaining the multiethnic Bosnian state that existed in April 1992, before fighting began. This position was perhaps reasonable in the war's early stages. But a multiethnic Bosnia must now have little appeal for the Muslims after their vast suffering at their neighbors' hands. The Croats are likely to accept partition along the lines we propose, as it would offer them much of the territory they were assigned by Vance-Owen, which they quickly accepted. The Serbs are more likely to balk. Though the plan would help them realize their dream of a Greater Serbia, they would also have to cede substantial territory in eastern Bosnia, including Sarajevo, to the Muslims. This they would likely resist. But if the world powers use enough force and provide sufficient incentives, the Serbs can, we believe, be compelled.

There are three main arguments against partition. First, some would argue that the military means it requires would escalate rather than dampen the violence in Bosnia. We would answer that violence is just as likely to endure. Greater Serbia, if allowed to preside over its conquests, may well be emboldened by its cost-free expansionism to move on elsewhere. Regrettably, there are times when lives can be saved only by threatening to take lives. Second, some would contend that the population transfer required by partition entails needless injury to innocents. Yet transfer is already

occurring. Even Vance-Owen would produce its own population transfers, since minorities would doubtless be driven from areas designated for other groups. Transfer is a fact. The only question is whether it will be organized, as envisioned by partition, or left to the murderous methods of the ethnic cleansers.

Finally, some might complain that partition is incomplete because it fails to solve other related Balkan troubles that could produce future wars—most notably the conflict in Serbia's Kosovo region. There's merit to this. The Serbian government has already begun a slow-motion expulsion of Kosovo's 1.6 million Albanians, and signs abound that it plans a more dramatic and complete cleansing soon. Such a move could trigger a general Balkan war involving Albania, Macedonia and perhaps Bulgaria, Greece and Turkey. The West should reiterate that the cleansing of Kosovo will not be tolerated. It might also consider putting Kosovo on the table

as it negotiates with Serbia over Bosnia. Freeing the region could be the price for full peace with the West.

But critical questions remain. How can this settlement be enforced if the Serbs resist? And can it be enforced with an acceptable military cost to the great powers, particularly the United States? We believe the answer to these questions is yes, and that the United States should prepare to lead the alliance into such a strategy.

Two basic military campaigns could be pursued. A "rollback" strategy would use massive military force—supplied simultaneously by Western air forces and Bosnian

Muslim ground forces—to win a decisive victory against the Bosnian Serbs and their Serbian supporters. They would be left with no choice but to accept Western demands. "Coercive bloodletting" is a less ambitious strategy. It would use similar means, but wouldn't depend on decisive victory. Instead, it would present the Serbs with the prospect of a costly war of attrition that would continue until they accepted partition.

In theory, air power can be used three different ways: to decapitate an opponent's leadership, to punish an opponent's population or to weaken an opponent's military forces. Of these, only the last stands a chance at being effective, but only if it is applied in conjunction with ground power.

Decapitation—an approach used in Desert Storm—would involve strikes against Serbian leadership in Bosnia and Serbia proper. The strategy has the advantage of requiring relatively few sorties over a few days by precision aircraft (mainly F-117s) against key leadership and telecommunication facilities. Decapitation raids

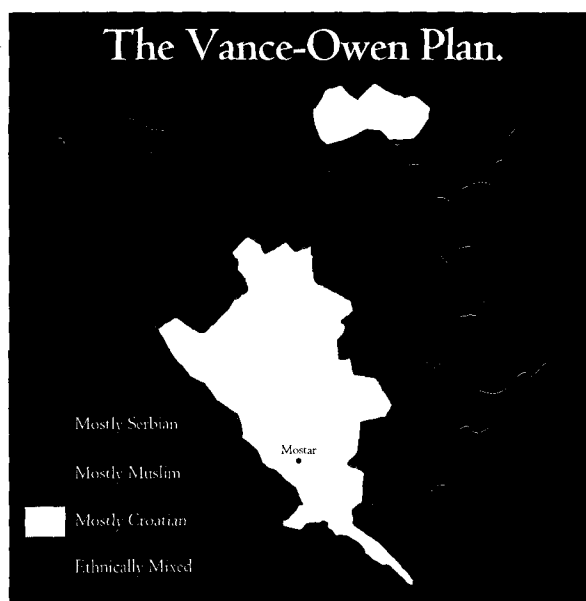


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would also cause little collateral damage, given accurate target intelligence. But finding and targeting the key Serb leaders from the air would be very difficult. U.S. troops took days to find Manuel Noriega after the Panama invasion, and they were hunting him on the ground. Furthermore, killing the key Serbian leaders (Radovan Karadzic and Slobodan Milosevic) probably wouldn't moderate Serb policies since extremist currents run strong in both communities. Cutting communication links is also impractical and would have little effect even if accomplished. Bosnian Serb forces simply have too many ways to communicate with their leaders; and this body can fight even without its head.

The second strategy, aerial punishment, would attempt to inflict enough damage on economic targets that Serbian civilians would compel their leaders to withdraw from their occupied lands. While most of Bosnia's economy is already in ruins, the Serbian standard of living could be substantially reduced by a short air campaign. Serbia's meager air defenses would be destroyed first; F-117s, F-111s, F-15Es, F-18s, F-16s, A-6s and Tomahawk cruise missiles would then knock out its electric power grids, oil refineries and food distribution system. In all, several hundred targets would be attacked. With good weather, the campaign might take less than two weeks.

But punishment is unlikely to cause the Serbs to abandon their Bosnian conquests. Air attacks generate more public anger against the attacker than the target. Air power slaughtered British, German and Japanese civilians in World War II; threatened Egyptian civilians in the 1970 "war of attrition" with Israel; and depopulated large parts of Afghanistan in the 1980s. In each case, the citizenry did not turn against its government. Moreover, Westerners concerned about the Balkan situation for mainly moral reasons would shrink from using such indiscriminate means against noncombatants. Finally, the opponent most vulnerable to aerial punishment—Serbia proper—is not the opponent the West most needs to coerce. Even if Belgrade agrees to press the Bosnian Serbs for withdrawals, it is not clear that they would obey.

The third strategy—weakening the Serbian army to the point where Bosnian Muslim ground troops can force its withdrawal—offers the best chance of success. This air campaign might include three sets of targets: the Serbian army in Serbia, the 35,000-man Bosnian Serb conventional army and the 35,000 Bosnian Serb irregulars. Of these three, the Serbian conventional

army in Serbia proper is the easiest to track. It is concentrated in bases and armed with heavy weapons that can be found from the air. But destroying this army would only reduce Serbia's ability to *reinforce* its forces in Bosnia; it would do nothing to weaken them directly.

The Bosnian Serb conventional armies present a more important target, and they can be destroyed from the air if conditions are right. Since they seem to operate in small mobile units of about 500 men and are constantly on the move, they need to be forced into a concentration to be made vulnerable. (Air strikes could not destroy Iraqi Scuds in open desert. The odds of finding smaller artillery pieces that can be hidden in forests and mountains are even worse.) How do we do this? Engage them in ground action that forces them to gather in one place. If they fought a large, well-armed land army, they would have to mass in far larger numbers. They would then present a target that could be shattered from the air.

Bosnian Serb irregulars would be more difficult to strike from the air. These forces operate in tiny groups of 100 or fewer and rely on mortars and light arms to do their dirty work. This makes them hard to find and difficult to distinguish from Muslim and Croat fighters. On the other hand, these attributes make them a minor factor in the larger military equation.

Air power, in short, can help compel Serbian withdrawals by damaging the Bosnian Serb regular forces. But all this depends on the Bosnian Serbs facing a powerful, well-armed ground opponent. The Bosnian Muslims,

not the Western powers, must supply these forces. To do this, the West is going to have to give them heavy weapons and provide training.

The Bosnian Muslims have been losing territory for lack of weapons, not troops. The total Bosnian Muslim population exceeds the Bosnian Serb population by at least 300,000. However, the Muslims can now arm only some 50,000 soldiers, while the Bosnian Serbs have 70,000 well-armed troops. What's more, the Serbs have 1,500 artillery pieces, tanks and other armored vehicles. The Bosnian Muslims have fewer than 50.

Western military assistance to the Bosnian Muslims would equalize the balance. Weapons could be delivered on C-130 transport aircraft; these can use short, primitive airstrips and can therefore operate from a number of fields and roads in Muslim-held Bosnia. The C-130s could deliver light infantry weapons—rifles, mortars, shoulder-launched anti-tank weapons, night vision devices, machine guns, mines—and also heavier weapons,

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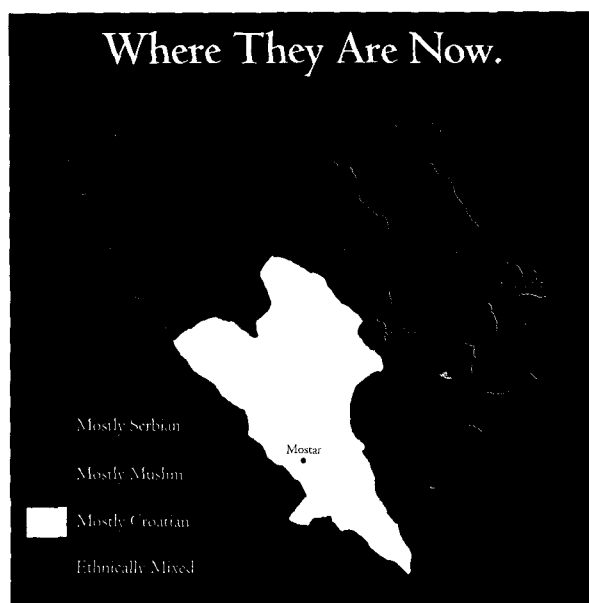
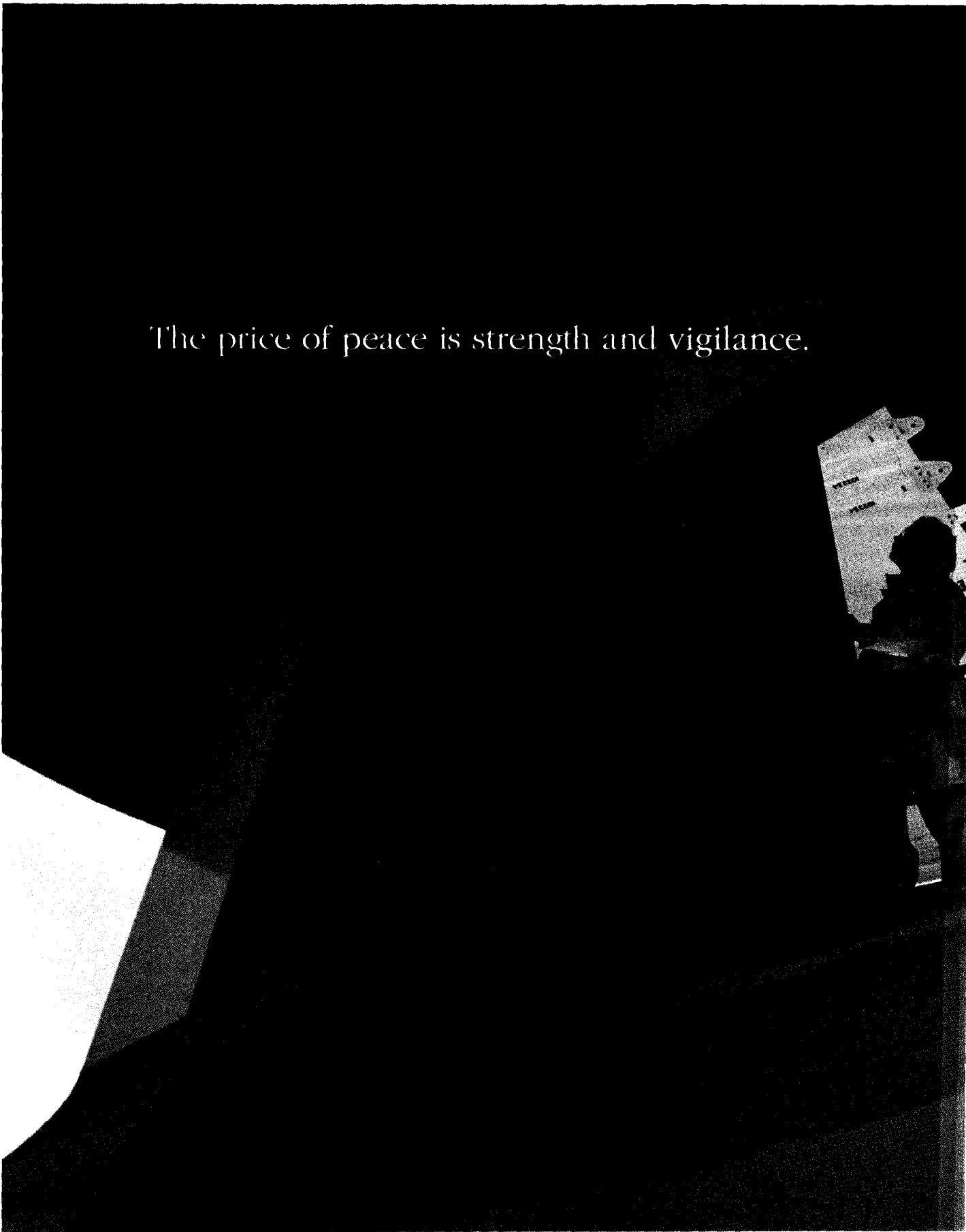
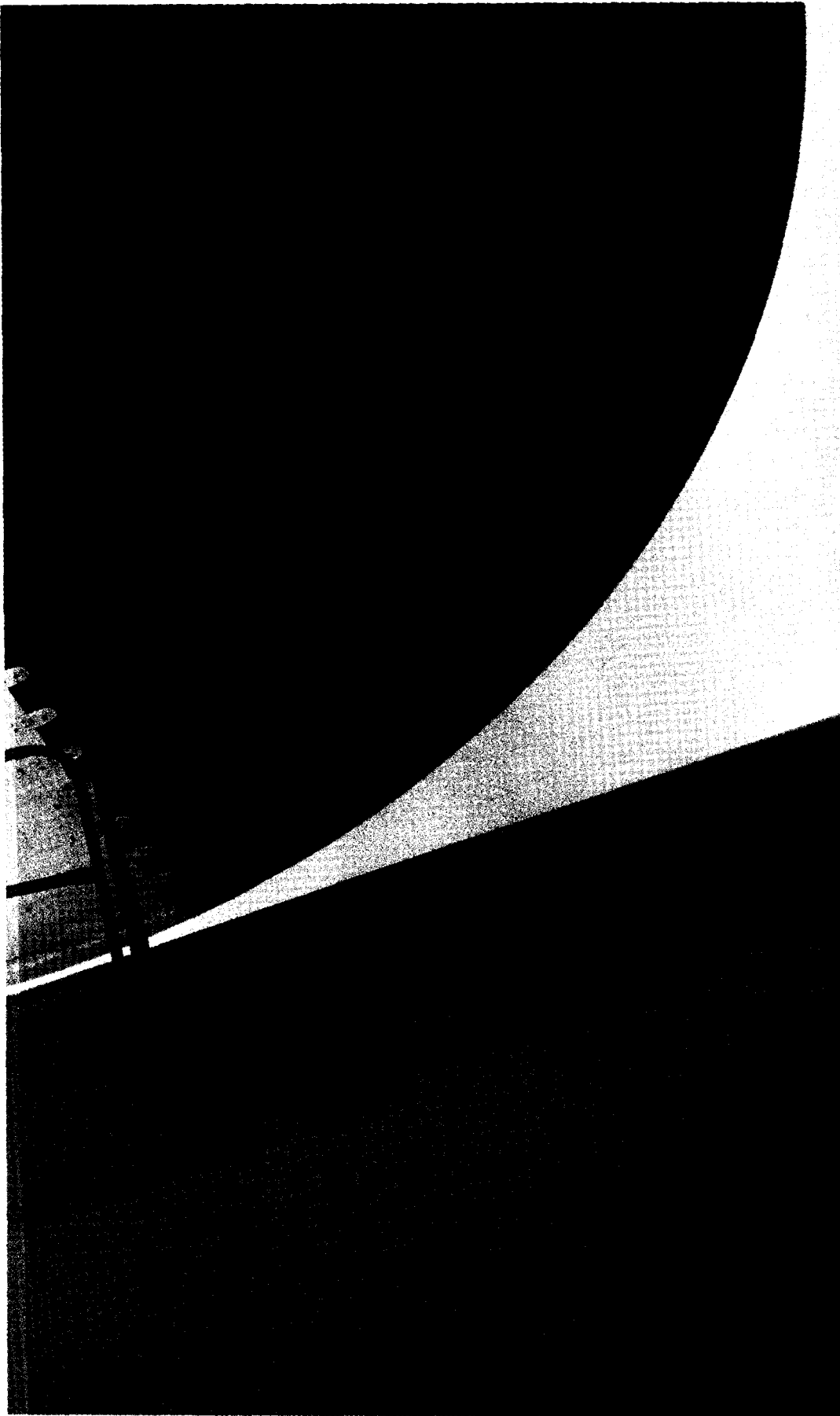


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including 105mm and 155mm artillery pieces. When airfields are not available, these weapons could be air-dropped. There's no need to use Croatian-held territory to transfer these goods. In a matter of months the Muslims would have 80,000 soldiers armed to the teeth and able to stop a Serbian offensive in its tracks.

Giving the Bosnian Muslims an offensive capability is more difficult for two reasons. First, the Muslims probably would need self-propelled artillery, tanks and armored personnel carriers, which require the giant C-5 transport aircraft, which in turn requires a long landing strip. Muslim-controlled Bosnia has only three such strips—Sarajevo, Bihac and Tuzla—and none is secure from Serbian anti-aircraft fire. So the heavy weapons would have to be brought into Bosnia over Croatian-controlled land routes, and it's likely the Croats would grant passage reluctantly. Second, the Bosnian Muslims have little experience using heavy weapons or conducting offensive operations. It would take a few hundred Western advisers and about two years after we begin arming them for them to become proficient.

This strategy would take time. The Muslims would require perhaps a year to halt further Serb gains and consolidate their defensive positions before they could move to compel Serb withdrawals. The West should therefore adopt a two-phase plan—protecting Muslim consolidation in the first, compelling Serb withdrawals in the second. The choice between rollback and coercive bloodletting could be deferred until the second phase. In the first phase the West would organize, train and equip the Muslim forces for defensive operations. A fleet of about 100 C-130s would ferry arms to the Muslims, while several hundred fighter and ground attack aircraft stand ready in Italy and on aircraft carriers in the Adriatic to destroy any large Serb offensives. The West would deploy 200 to 400 Special Operations Forces in Bosnia to assist its air operations by serving as ground spotters and to help the Muslims develop a command and intelligence apparatus.

In the second phase, the West would prepare the Muslims for offensive operations and support these from the air. The Serbs now have some 350 main battle tanks, 200 light armored vehicles and 1,000 artillery pieces. A coercive bloodletting strategy could be launched when the Bosnian Muslims have acquired a roughly equivalent ground force. A rollback strategy would have to wait until the Muslims assembled ground forces around twice the combat power of Serb ground forces.

Diplomatic and economic incentives should be

joined to these military punishments. As its main reward, the West should offer to recognize Greater Serbia if the Serbs cooperate with the Western program. The Western powers should also promise to lift economic sanctions and perhaps even to help rebuild the Serbian economy.

Once a peace agreement is signed, populations would have to be moved in order to create homogeneous states. The international community should oversee and subsidize this population exchange. Specifically, the U.N. should establish a Balkan Population Exchange commission, modeled after the League of Nations-sponsored Refugee Settlement Commission, which managed the transfer of more than 1.5 million people between Greece and Turkey from 1923 to 1931. This commission should secure safe passage for immigrants, establish a bank to help them buy and sell property and administer a Balkan Marshall Fund to assist the

development of new housing and industry in immigration zones. The commission should have a ten-year mandate: two years for resettlement, eight years for economic development.

How can the long-term survival of the Bosnian-Muslim state be guaranteed? It would inevitably be weaker than its neighbors. Population is a good indicator of latent military power. Allowing for the return of refugees, there are roughly 9 million Serbs, 4.5 million Croats and maybe 1.8 million Bosnian Muslims. There are also some 5.3 million Albanians in the region: of these, 1.6 million live in the Serbian region of Kosovo,

400,000 in Macedonia and 3.3 million in Albania proper. Thus, Serbia would be the strongest state in the region and the Bosnian-Muslim state would be among the weakest.

The NATO powers should therefore undertake to arm it well. They should also issue a security guarantee, promising to intervene with air power if its neighbors attack. NATO should also foster a defensive alliance between the Bosnian-Muslim state, Croatia and Albania. Those states are neither friends of Serbia nor strong enough to check it alone. They should have good reason to ally themselves with the Bosnian Muslims.

This partition plan isn't perfect; and it isn't morally pure. It means transferring hundreds of thousands of civilians from historic homes and countries. It means risking a small number of American lives. But it is the only plan that's realistic about what can be achieved in such a fraught area and idealistic about the principles at stake. And it can be done. •



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BOOKS & The Arts

Stanley Kauffmann on Films

Faking It

For decades and decades Hollywood has minted money by getting details right, then using them as background for flapdoodle. Candelabra and wigs are absolutely authentic for ludicrous period pieces; minutiae of newspaper offices are precise for roaring nonsense; and so on. Now this procedure has a new wrinkle. A man who made an honest documentary on harsh materials uses those materials as background for a slushy story; another man who wants to revise some distortions in American history swathes his film in other distortions.

In 1985 Martin Bell made *Streetwise*, a documentary about the young street people of Seattle, prostitutes, male and female, pimps and drug dealers, a picture so intensely done that its damnably familiar materials became harrowing yet again. Reviewing it, I worried a bit about its very virtues—not doubting its sincerity but wondering about the state of mind that relishes good footage about such misery.

Bell has settled the matter. In *American Heart* (Triton) he goes back to Seattle, uses actors to play street people and employs them in a story—by Peter Silverman and himself—that is an accretion of Movieland clichés. The title is index enough. It sets the tone for this soggy saga of a paroled con, Jeff Bridges, and his 14-year-old son, Edward Furling, who clings to him through thick and most of thin. A long row of worn buttons is punched, reaching as far back at least as *The Champ* (1931), in which the juvenile Jackie Cooper clung to his drunken old prize-

fighter father, Wallace Beery.

Bridges tries to go straight and do right by the boy. But Don Harvey—poor man, in an even cornier role—is a former crime partner trying to get Bridges back into robbery. We know, about eleven seconds after Harvey appears, that he's going to make trouble for Bridges's intentions and that all the rest of the film will be an exercise in protraction until that trouble happens.

Bridges, long-haired, has the luck in this film that Melanie Griffith had in *Born Yesterday*. There Griffith had a role that snugly fit her limitations. Bridges is certainly the better actor, but he too has a role here that snugly fits his limitations. He's not really any better than he ever was; it's just that, unlike most of his other roles, we can't imagine this particular part being done any better.

But the whole thing is sanctimonious exploitation of ghastly facts. Worse, Bell

once presented those facts unglutiously.

Then there's Mario Van Peebles. Two years ago this black actor-director made *New Jack City*, in which some gleams of talent peeped through a heap of drug-melodrama triteness. Now in *Posse* (Gramercy) Van Peebles turns to the Old West. (Not that old, in fact—the main action occurs after the Spanish-American War.) He wants to rectify conventional history, to show that black people played a prominent part in the settling of the West, that a considerable ignored number of cowboys were in fact black. For this purpose Van Peebles uses a screenplay by Sy Richardson and Dario Scardapane that is packed with (white) Western-film staleness: the tense poker game in the saloon, the sheriff who is really a bad guy, the lubricious young woman who has been a Penelope waiting for her hero's return, etc.

Van Peebles's directing is another kind of dilution. He has a really arresting eye. With generally sepia-toned cinematography by Peter Menzies Jr., he breaks into new sequences with a swirl, he frames with a sometimes perceptive vigor. But he never lets his actors miss a familiar strophe, a sententious pause or pose, a too-hearty masculine grip, an obviously prepared reversal of mood, etc.

Van Peebles is an exceptionally handsome man, with a firm-jawed screen presence; but he hasn't directed himself any more acutely or freshly than he does the others. If he could ever comb the hokum out of his scripts and directing, he might get to tell some of the truth that he now strangles.

A quite different case is *Children of Fate* (First Run): here, fact has been added to fact. In 1961 Robert M. Young and Michael Roemer went to Sicily and made a documentary about a family in a poverty-stricken, crime-ridden district of Palermo. Thirty years later Young's

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son Andrew and his wife, Susan Todd, went to Sicily and made a documentary about the same family. The two films were interwoven, and the result is a tribute to all four filmmakers. (It's now at the Film Forum in New York after winning prizes in America and France.)

Put together two photographs of the same person, if years have elapsed between them, and mystical silver bells begin to tinkle. Time, that indefinable curse-beneficence, announces its presence like a genie responding to a lamp. Two moments have been frozen—something that was impossible to do so instantaneously before photography—fixed in what is otherwise a ceaseless flow.

Move from still photography to film, with its additional powers of motion and sound, and, no matter how often we have seen the juxtaposition, we melt in wonder, gurgling with metaphysical speculation about mortality. Many, many documentaries have used contrasts of the same people at different times, most notably Michael Apted with his seven-year revisits to some English people. *Children of Fate* now joins the top rank of the group.

In 1961 Angela was 23, struggling to maintain her three children (with another one coming) and to survive her husband's wife-beating and indolence. She lost a 1-year-old child. She whored a bit so that, she says, her daughters would never have to. With nearly incredible touches of grim humor, she slogged on.

That was then, in black-and-white. Now in color—Angela's dark hair is now red—we see her living in Ragusa in southern Sicily, having left her husband seven years before, having exchanged her slum hotel for a unit in a project. (Her husband, fat and unwell, still in Palermo, asks now for understanding and pity.) Angela's daughters have children. One of the daughters dies of cancer. With more incredible humor, Angela slogs on.

Not many will learn much from this film. The data of poverty, the increments of aging, the wheedling and cajoling of circumstances that poverty always entails—none of these is basically new. But *Children of Fate* isn't news, it's evidence: a human kind, of which, done with compassion and reticence, we can scarcely have too much.

Two points. The dialogue is subtitled, but much of the film has voice-overs, of Angela or others, given in English by Italian-accented speakers. The device works. Second, the film opens and closes with shots of a market—peddlers of fish, of other foods, of all kinds of necessary things. This makes a nice frame for a film about survival. •

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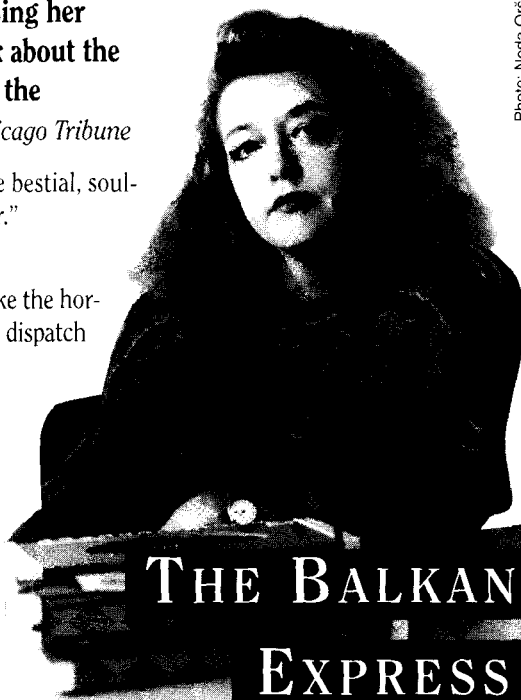


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Oliver Stone's cyberkitsch.

Mild Palms

BY ALEXANDER STAR

“Wild Palms,” Oliver Stone’s bewildering gift to network television, was no ordinary presentation; according to ABC it was an “event series.” As a series, it was pretty dismal, but as an event it is certainly worth thinking about. It’s not every year that a political thriller about a neofascist media lord airs during sweeps week, much less a thriller starring virtual reality, designer drugs and Yeats. Wrapped in paranoia about its medium, thick with conspiracies and cults, “Wild Palms” addresses political and social crises that even its notoriously eccentric predecessor “Twin Peaks” conspicuously ignored. (David Lynch, after all, is a moderate Republican, and his subversions are usually stylistic.)

Where “Twin Peaks” largely relied on idiosyncrasies of its own making, “Wild Palms” caters to an already existing community of the fringe—the would-be counterculture known as cyberpunk. Over the last decade, cyberpunk has become a catchy label for many things: a hard-edged genre of generally dystopian science fiction, a visionary gospel of technology-driven transcendence, a codification of computer hacker etiquette, an anarchic urge to plunder the data bases and dismantle the information society from within. From *Blade Runner* to *Terminator 2*, the cyberpunk imagination has infiltrated big-budget movies with its post-apocalyptic cityscapes and persistent conundrums about what it means to be human in a world of invisible data and invincible steel. “Wild Palms,” forecasting a crisis of individuality in the immediate future, brings all of these themes to television for the first time.

The ur-text of cyberpunk fiction, and the origin of the ubiquitous term “cyberspace,” is William Gibson’s novel *Neuromancer*, which appeared in 1984. (Gibson makes a cameo appearance in “Wild Palms.”) Broadly speaking, cyberspace refers to the abstract “space” occupied by electronic information. In his novel Gibson deftly literalizes and visualizes this idea. Properly equipped “console cowboys” can roam this “consensual hallucination” as if it were a tac-

tile reality, observing its “lines of light,” its “clusters and constellations of data” and its population of self-conscious corporations and free-floating artificial intelligences. *Neuromancer* convincingly suggests the brittle anxieties of such a “nonplace of the mind,” its vulnerability to paranoid fears and grandiose desires. The book’s first sentence, justly renowned, is an eloquently simple introduction to a numbingly complex and ineloquent world: “The sky above the port was the color of television, tuned to a dead channel.”

Gibson’s vision of power-hungry corporations and disembodied minds battling in cyberspace is mordant and bleak; but his work is often associated with a strain of technological optimism, a theology of “technoshamanism” spread by magazines like *Wired* and *Mondo 2000* as well as the maddening Timothy Leary (who has just been promoted to the status of “philosopher” by his Gap ad). Technological optimism, of course, is a familiar feature of utopian fantasies. *Mondo 2000* is, in fact, an ecstatic echo of the more restrained liberal proponents of the personal computer, who promised that the P.C. would usher in an “empowering” revolution in the workplace.

But as the personal computer found a comfortable niche in the corporate world, deepening the drudgery of many office workers, technological optimists thrilled to newer emancipatory toys. For the current visionaries, virtual reality and smart drugs enable the user to “storm the reality studio” (in William Burroughs’s words), overcome the meditations of language and instantiate new realities at will. The postwar information society, they believe, is already giving way to a “postsymbolic age.” Leary often sings Gibson’s praises: he is “the author of the underlying myth . . . of the next stage of human evolution.” (Gibson, for his part, comments that “I sometimes get the feeling that technical people who like my work miss several layers of irony.” Leary is not a great ironist.)

Whatever their differences, friends and foes of “technoshamanism” agree on a first principle: that cyberspace will qualitatively alter the human relation-

ship to nature, society and self. Whether the result is a higher stage of evolution or a wide diffusion of psychosis and panic is largely a matter of taste. After all, the euphoric fantasy of personal autonomy achieved by means of technology is inseparable from the recurring fear of total control by it; the idyll of living your own dreams easily slides into the nightmare of living the dreams of others. It is possible to extol the spiritual possibilities of new technologies and remain fearful of the conspiratorial forces that might direct them to sinister ends.

As a cyberpunk fable, “Wild Palms” plays out this double future of total freedom and total control. It invokes a realm of technological possibility that both dazzles and disturbs. The script, heavily laden with transparent symbols and opaque gestures, is the work of Bruce Wagner, who built it around his comic strip in *Details* magazine. (Oliver Stone produced the series with the aid of four different directors.) Set in Los Angeles County, in the year 2007, Wagner’s scenario revolves around the dark plans of Senator Anton Kreutzer, an amalgam of Pat Robertson, L. Ron Hubbard and Ross Perot. A science fiction writer turned cult leader, entrepreneur and politician, Kreutzer tries to convert the human imagination into fuel for his own personal journey to the stars. His devotees chant Yeats’s “For I am running to paradise,” but they don’t recognize that it is only the senator who is headed there. Unbeknownst to themselves, they are “dreaming him into infinity.”

In order to satisfy his spiritual ambitions, Kreutzer manages an array of enterprises under the umbrella of the “Wild Palms Group.” These include “Church Windows,” a holographic sitcom that brings actors directly into the living room without a screen; mimezine, a drug that allows the user to experience these holograms as if they were real; the Church of Synthotics, devoted to the cult of “new realism”; and the Fathers, a shadowy association of businessmen and politicians determined to take “drastic measures” to guarantee what the authors of the U.S. Constitution ominously called “domestic tranquility.”

Wagner’s story line follows the adventures of Harry Wyckoff, a patent attorney. Drawn into the senator’s orbit by his ex-girlfriend, a garden-variety femme fatale, Wyckoff becomes a Wild Palms executive and the senator’s confidante. As his wife attempts suicide, his putative son commits murder and the mystery of his long-vanished father resurfaces, Harry gradually develops qualms about

the senator and joins the Friends, a "libertarian" terrorist cell dedicated to destroying the Fathers. In the end the Friends succeed in disrupting the Wild Palms media apparatus and in sabotaging the senator's quest for divinity. Surviving unscathed to begin a new life with his mistress and children, Wyckoff speeds away from catastrophe into a kinder world where "we can keep our dreams open at night."

Although the senator is clearly up to no good, his intentions and beliefs are difficult to discern without *The Wild Palms Reader*, a companion book in which thirty renowned authors complement the shaky script with their own writings. The brave new world that Kreutzer deceitfully promises is one in which holography and mimezine combine to foster new realities that enhance the individual's autonomy and power. His cult of "new realism" teaches that "in the media millennium, every American will be free to inhabit a reality of his own choosing." Through the control of television, Kreutzer's revolutionary guard will seize the "means of perception." What's at stake is the replacement of a "single-reality past" with a "multiple-reality future." But even if the senator's ideology is reconstructed, its implications remain conveniently vague. It's never clear, for instance, if the Friends want to renounce the tools of the "media millennium" or direct them to their own, unspecified ends.

The senator's schemes are more interesting than the central story line. But both the manifest and latent plots unfold haltingly, if at all, through casual revelations and recurring dreams. And it is too bad that the narrative is so tentative; the many viewers who lost patience and changed the channel missed some genuinely interesting deformations of the network aesthetic. (Television's first virtual reality and designer drug-enhanced interracial gay romance reached a harrowing climax on the fourth night of the series.) Jim Belushi plays Harry Wyckoff as an exasperatingly ordinary guy, devoid of any qualities besides personal ambition and family pride. His transformation from expectant lawyer to corporate lackey to rebel chieftain never grips. As an everyman, he is supposed to grant the viewer access to a disorienting world; but his smug presence defuses and deflates the many mysteries that swirl about him. Who could care who this man's father was?

Crippled by its flimsy characters, bland acting and botched story line, the series relies instead on atmosphere and

allusion. The directors sometimes try to coax a vividly euphoric and sinister glare out of trimmed lawns and swimming pools; mobile cameras, slow motion frames and sudden close-ups conspire to make suburban normalcy into something really strange. The effect is supposed to be heightened by a ceaseless parade of references to popular culture and high literature, as if everything has already happened before in an old movie or paperback. This technique, defamiliarization through the repetition of the familiar, can be effective, but here the references are inert and incidental. The estrangement rarely estranges.

Failing to offer an effective transposition of reality and fantasy, the series proffers quick, state-of-the-art glimpses of virtual reality, holography and the cyberspace "grid." Whenever it might really explore these virtual worlds, it withdraws instead into more visions of eerie lawns, obsolescent convertibles and other emblems of California cool. Wagner is more interested in high living than in high technology. He keeps the story tuned to the rich and powerful; and only toward the end of the series do we glimpse the "wilderzone," a blasted, stony ghetto sheltering the poor and the persecuted. There's a well-bathed, cinematography-obsessed pool-

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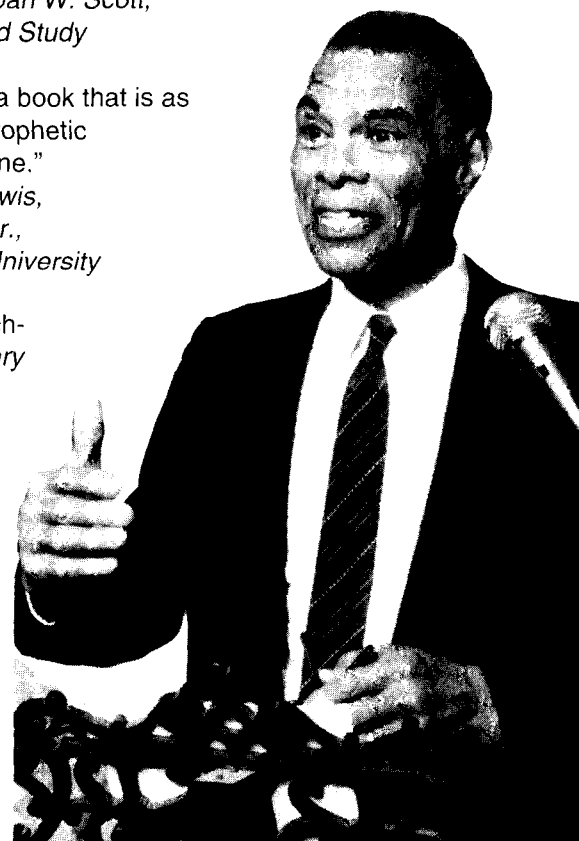
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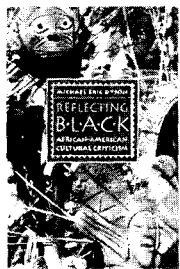
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side cleanliness to "Wild Palms." It's an endless sequence of chlorinated crises.

The participation of Oliver Stone will lead many people to dismiss "Wild Palms" as a simple exercise in paranoia. (Paranoia has enemies.) But this would be unfair. Stone has grappled, though crudely, with disturbing subjects of recent history that most of his contemporaries either sweeten or ignore. And it is worth remembering that paranoia has played a significant role in the history of the American imagination, a role that the spread of high technology has done nothing to diminish. In a seemingly indifferent or opaque world, where meanings meander and power lines are buried, conspiracy thinking comes naturally. Paranoia is not a sign of irrationalism, but of an excessive rationalism, a fearful preoccupation with systems, a rage for order (and against it).

In *Gravity's Rainbow*, a master text of the paranoid imagination, the archetypal individualist-hero of American literature undergoes a spiritual and epistemological crisis. Cast adrift from all moorings, unable to infer the motivations of parents or employers, Pynchon's paranoids are faced with an exquisite dilemma: the world either is without meaning—"I can connect/Nothing with"—or possesses a surfeit of it—everything connects to everything. Like the prospect of nothingness, the prospect of absolute order suffocates and confuses. Attempting to intuit "orders behind the visible," the paranoid assumes there is a plan to the world but is never certain whether he has discovered that plan or imposed it himself. And if the plan does exist external to the observer, what of its discovery? Has that been planned, too? And is it a benevolent plan? Heroic efforts at resistance and escape become the symptoms of still other conspiracies that inspire renewed resistance.

But paranoia is not only a compulsion of the imagination. In a world of invisible data transfers, advanced consumer surveillance and automated record keeping, the empirical bases of paranoia have never been stronger. Among today's Hollywood elite, of course, paranoia runs amok, inspiring everything from private homes with "war rooms" to benefit dinners for the Christic Institute, the conspiracy-minded think tank that won an Academy Award this year for its documentary *The Panama Deception*. (The film alleged that the invasion of Panama was in part a test run for new weapons systems and war plans.) That paranoia is especially popular among the privileged should come as no surprise. In the nineteenth century, the

delusions of the dispossessed were matched by those of the wealthy and educated; the elites were as likely as anyone to believe in conspiracies of foreigners, of Catholics, of anarchists. After all, the more you have to lose, the more you have to fear.

Paranoia is a volatile force. It disables the paranoid; it scapegoats the subjects of his visions; it obscures the injustices that it indicts. But paranoia is not what's wrong with "Wild Palms." The weakness of the series is not an indictment of cyberpunk, or of the paranoid imagination. The fault should be found, rather, in its circumscribed Los Angeles version of these themes. The story line never presents vertiginous dilemmas of the kind found, for instance, in the novels of Philip K. Dick, in which characters might pause for hours to discuss just what it could mean to "pose as a narc." Instead "Wild Palms" presents a staid, second-hand foreboding—an attitude, not an obsession. Its paranoia is a well-muffled echo of America's great ranters, desperate men who inhabit a twilight world of threatening cable lines, radio signals and bar codes that aren't quite what they seem.

For years, Los Angeles has served as the prime vehicle for metaphors of America's future. It is the dream factory, the smog basin, the riot capital, the recreation center. L.A., as Mike Davis has observed, is "both the utopia and the dystopia of advanced capitalism." And from Nathaniel West's angry star-struck crowds through the malignant land barons of *Chinatown* and the pitiless death squads of *Blade Runner*, the dystopian vision of Los Angeles has been especially resonant. Indeed, by now it's hard to pick up a book by a young writer influenced by Pynchon or Dick that doesn't feature a postapocalyptic L.A. police state in which the boundaries between population "zones" are as rigid as the lines between dreaming and waking are permeable.

"Wild Palms" relies a great deal on this tradition for its air of menace. Every shimmer of every palm, its directors would have us think, holds a dark secret. But eleven years after *Blade Runner*, the dystopian mystique of Los Angeles is beginning to pale, if only because L.A. in 1993 is bad enough. (Venice Beach was recently closed down due to gang warfare.) What once worked as an exposure of American delusion has now become a convenient means for L.A.'s writers and producers to reassure themselves that they are still at the fulcrum of the future, however alarming or arbitrary that future might be: if the future is hell, at least it's *our* hell. Of course, setting futur-

istic scenarios in Los Angeles also allows these writers and producers to congratulate themselves for creative daring without having to extend their imaginations beyond the nearest pools and lawns. Rather than consider that the "reality-industrial" complex might slip from their hands—the most important advances in virtual reality imaging have come, in fact, from North Carolina—they personify it in the reassuringly familiar figure of a power-mad mogul on his way to death. "Wild Palms" is finally just *Citizen Kreutzer*. It is drenched in L.A. in-jokes, L.A. style.

In the original *Wild Palms*, William Faulkner's grim novel of 1939, the imprisoned and remorseful protagonist rejects a cyanide pill, musing that "if memory exists outside of the flesh it

won't be memory because it won't know what it remembers ... and if I become not then all of remembering will cease to be.—Yes, ... between grief and nothing I will take grief." (These lines recur in Godard's *Breathless*, in which the existentialist gangster-hero avers that *he* would take nothing.) This thinking is a fine refutation of Kreutzer's hope for disembodied life. But Wagner's treachery conclusion proposes a novel solution to Faulkner's dilemma: between grief and nothing, why not take a brightly colored convertible into the California sun with a woman at your side and the breeze blowing? Wagner says that he grew up on Rodeo Drive, and for all his efforts to take television where it has never gone before, that's one place he has never left. •

A Womb with a View

BY JEFFREY ROSEN

Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom by Ronald Dworkin

(Knopf, 273 pp., \$23)

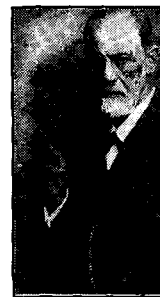
I.

Liberals urgently need a constitutional philosophy, and Ronald Dworkin is eager to provide one. In his important writings over the past three decades, he has tried to work out a comprehensive theory of law, as well as a principled approach to the American Constitution. With few apologies, he has defended the Warren Court against a parade of conservative critics—from the Burkean prudentialism of Alexander Bickel to the purported historicism of Robert Bork. But Dworkin's new book is his first sustained attempt to make his thinking accessible to a general audience. He wants to project his ideas beyond his cult of academic disciples, "to succeed," as he says, "in the political forum."

The book has two more specific goals: to stake out moral and philosophical common ground in the acrimonious debate over abortion and euthanasia; and to support the Supreme Court's general approach to the abortion question in *Roe v. Wade* and *Casey v. Planned Parenthood*. On the first count, at least, Dworkin is provocative, and therefore useful. He argues that the abortion debate has failed to distinguish between

two very different objections to abortion. The first, which he calls the "derivative" objection because it is derived from individual rights and interests, insists that human life begins at conception, and that abortion violates the fetus's right not to be killed. The second objection, which he calls "detached" because it is not grounded in the interests or the rights of anyone in particular, insists that abortion is wrong because it disregards the intrinsic value of human life.

"Almost everyone who opposes abortion really objects to it," Dworkin declares, "on the detached rather than the derivative ground." The pro-life movement—following the lead of the Roman Catholic Church, which has held, for little more than a century, that every human being has a "right to life" from the moment of conception until death—has framed its argument in the rhetoric of rights. But Dworkin believes that few people, if they thought hard about it, would *really* take this position. Only the detached objection, Dworkin argues, can account for the almost universal view that abortion should be permitted in cases of rape and incest, or when necessary to save the mother's life, since any exception, after all, is inconsistent with the belief that a fetus is a per-



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son. Only the detached objection can account for the growing majority who say in the same breath that abortion is "like murder" and that the decision should be left to the mother. And only the detached objection can make sense of the debate over euthanasia, which has less to do with a clash between the right to live and the right to die than with competing ideas of how best to respect the sanctity of life.

An unsettling vanity runs throughout Dworkin's work. He seems to believe that if people thought hard about an issue they would realize that their intuitions are less coherent than his own. And yet some of Dworkin's confident syllogisms are open to question. It does not necessarily follow from the derivative objection to abortion, for example, that once a fetus is viewed as a person, abortion must always be punished as murder. Criminal law recognizes a host of excuses, mitigations and justifications for the taking of life, killing an innocent person, for example, in the course of escaping from slavery—that Dworkin does not explore. It is ironic, too, that a scholar who has argued so eloquently for rights as trumps now assails rights-based rhetoric for distorting public debate. Still, if Dworkin is sometimes too categorical, and if he has too little patience with irrationality in matters of belief, he performs an important service by showing how the moral debate over abortion and euthanasia could be far less divisive if people thought about the issues more consistently than they actually do.

But Dworkin is not content to present his ideas as philosophical speculations. For him, moral reasoning is a form of constitutional reasoning; and he insists that his various conclusions are not only philosophically powerful but also legally compelled. And it is as legal argument that his very abstract book fails to persuade. Dworkin presents a Manichaean choice between a "Constitution of Detail," which he attributes a bit facetiously to Antonin Scalia, and what he calls a "Constitution of Principle," which he prefers. Under the first view, the Constitution should mean only what its Framers expected it to mean; under the second, the Bill of Rights should be interpreted as a series of "abstract commands that American government respect the most fundamental principles of liberty and political decency and treat all citizens with equal concern and respect."

Dworkin has little trouble debunking the first view, a caricature of originalism that only Edwin Meese championed with enthusiasm. The "Constitution of Detail"

is impossible to reconcile with *Brown v. Board of Education*, since the framers of the Civil War amendments saw nothing wrong with segregated public schools. Instead of focusing on the particular results that the Framers expected to achieve, Dworkin argues convincingly, interpreters should identify instead the general principles that the Framers endorsed. (But again, that conceit: if the Framers could think again, they would realize that they were wrong and he was right.) He punctures Bork's sanctimonious claims about objectivity by showing that even Bork acknowledges the need for judges to make subjective choices about the appropriate level of generality on which each clause should be interpreted.

Yet Dworkin's alternative to the most extreme version of originalism is equally extreme. If Meese always chooses the most specific level of generality, Dworkin always chooses the least specific. He interprets the Bill of Rights so abstractly, in fact, that the various clauses lose their distinctiveness altogether, and merge into a general mandate for judges to engage in what he calls "substantive moral theory." Despite his rhetoric about beginning with the principles that the Framers identified, then, he is not really interested in the Framers' understanding of the words that they chose. *Life's Dominion*, like Dworkin's previous work, is all but bereft of references to constitutional history and structure.

Dworkin promises to reason from the "inside out," beginning with practical problems such as abortion and euthanasia, and then asking what philosophical issues are necessary to resolve them. But there is no real need, in "inside out" reasoning, for close readings of constitutional text, history and structure: Dworkin has altogether abstracted away the need to consult a written, historically rooted document. He calls his theories, in a revealing and unfortunate metaphor, "bespoke, made for the occasion, Savile Row not Seventh Avenue."

In fact, Dworkin acknowledges one modest restraint on judges: actual legal practice. Any interpretation of the Constitution, he says in a distinction developed more carefully in *Law's Empire* (1986), should be subjected to two tests: the test of justice and the test of "fit." And the most just interpretation, which is the interpretation that "best reflects people's moral rights and duties," should always be preferred, unless it is "wholly inconsistent" with actual legal practice. When push comes to shove, however, legal practice does not seem to constrain Dworkin in any meaningful

way. There is not a single point in his book where Dworkin is willing to forgo the "best, most accurate understanding of liberty and equal citizenship," even when it is patently inconsistent with legal practice, such as Dworkin's suggestion that government has a constitutional duty to fund abortions for poor women.

II.

The cornerstone of Dworkin's legal argument about abortion is *Griswold v. Connecticut*, the 1965 decision that struck down Connecticut's ban on the use of contraceptives. "Once one accepts that case as good law, then it follows that women do have a constitutional right to privacy that in principle includes the decision not only whether to beget children but whether to bear them." But instead of carefully scrutinizing the constitutional underpinnings of *Griswold*, Dworkin prefers sweeping assertions: "The right to procreative autonomy follows from any competent interpretation of the due process clause and of the Supreme Court's past decisions applying it.... The *Griswold* decision has apparently been accepted by the American people."

Dworkin's thesis—that the Court "cannot logically" accept *Griswold* and reject *Roe*—is hardly self-evident. In the *Casey* decision last July, the four conservative dissenters—Rehnquist, Scalia, White and Thomas—announced that *Griswold* should be upheld and *Roe* should be overturned, because "unlike marriage, procreation and contraception, abortion involves the purposeful termination of potential life." But the conservatives were no more precise than Dworkin in their attempts to defend *Griswold* and to distinguish it from *Roe*.

Griswold has become the mad grandfather of American constitutional law: virtually everyone embraces it, but with averted eyes. A less squeamish look at the contraceptives case is a useful way of testing Dworkin's thesis. A review of the positions of the various justices in *Griswold*, from the narrowest to the most abstract, suggests that neither Dworkin nor the conservatives are particularly scrupulous about the relationship between *Griswold* and *Roe*. Dworkin exaggerates when he says that the two cases "cannot logically" be distinguished; but the conservatives, having accepted *Griswold*, fail to distinguish abortion from contraception as convincingly as they might.

If the Court in *Griswold* had simply held that the ban on contraceptive use was irrational, it could have struck down the Connecticut law without planting the seeds of *Roe*. Byron White hinted at

this argument in his *Griswold* concurring opinion, and Richard Posner develops it more convincingly in *Sex and Reason*. A wave of statutes forbidding contraceptive use had been passed during the late nineteenth century; but they had been repealed, by the 1960s, in all but two states, Connecticut and Massachusetts. While the Connecticut law remained on the books, the only efforts to enforce it—and they were successful, despite Bork's claim to the contrary—were directed against birth control clinics, whose clientele was dominated by the poor and uneducated. Most middle-class women, however, had unrestricted access to contraceptives through their gynecologists. The law, in other words, could be seen as an arbitrary burden on the poor and uneducated, rather than a rational means of discouraging "promiscuity."

But other members of the *Griswold* majority rejected White's narrow argument. In a much broader opinion, John Harlan wrote that Connecticut's ban on the use of contraceptives touched "a most fundamental aspect of 'liberty,' the privacy of the home in its most basic sense." Dworkin seems to endorse Harlan's opinion, declaring that "any competent" interpretation of the due process clause of the Fourteenth Amendment must include some fundamental right of procreative autonomy. On this point, all nine justices of the Rehnquist Court seem to agree with Dworkin: in the *Casey* abortion decision, Harlan was cited no less than ten times, by the moderate majority and the conservative dissenters. But the cult of Harlan is hard to fathom. For Harlan's approach is not a restrained approach; and recent scholarship has exposed the creakiness of its historical joints.

Harlan had a personal view about privacy that he was eager to express in *Griswold* and in the case that preceded it, *Poe v. Ullman*. "Justice Harlan had a patrician manner about him, and he was outraged at this interference with personal privacy," Harlan's law clerk Phillip Heymann told Harlan's biographer, Tinsley Yarbrough. "It was government going into places it simply shouldn't." (Heymann, now deputy attorney general designate, recalled being "sort of skeptical" about the constitutional merits of Harlan's view.)

But Harlan also had a broader judicial agenda: preserving wide discretion for judges to decide which rights they thought were fundamental and which were not. Since 1947 Hugo Black had argued that the due process clause of the Fourteenth Amendment fully "incorpor-

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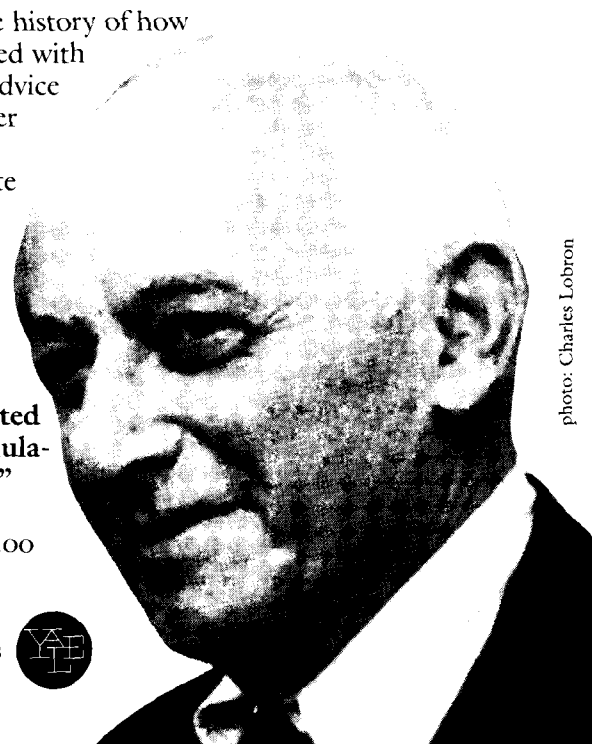


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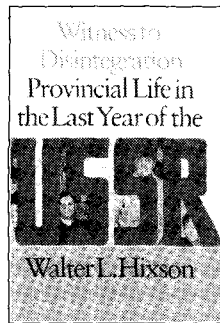
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rated" the first eight amendments to the Constitution, but did not bind the states in any other way. (The Bill of Rights had originally applied only to the federal government and not to the states.) Black's claim that the incorporation doctrine should "restrict the reach of Fourteenth Amendment Due Process," Harlan countered, was as "unacceptable" as his claim that it should also "impose upon the States all the requirements of the Bill of Rights." Instead, Harlan wanted to preserve for judges the sweeping power to pick and choose among the various amendments, enforcing some, rejecting others and adding an unspecified number of unenumerated rights, discerned from "the traditions and conscience of our people."

Dworkin's apparent enthusiasm for Harlan, a conservative icon, seems less peculiar when the sheer assertiveness of Harlan's view of judges is exposed. But the real weakness of Harlan's vision is that it rests on discredited claims about constitutional history. Harlan relied heavily on a 1949 article by Charles Fairman, a legal historian. After 130 pages ridiculing Black's position, Fairman concluded that the principles of "fundamental fairness" and "ordered liberty" are the best way of measuring the scope of the Fourteenth Amendment. It is now clear, however, that Black's historical insights were more sound than Fairman's. In a ground-breaking article last year in the *Yale Law Journal*, Akhil Amar reviewed the Fourteenth Amendment debates, which Fairman had quoted selectively. The amendment's supporters, Amar found, repeatedly affirmed their understanding that *all* the "privileges and immunities" guaranteed in the original Bill of Rights should be protected against state infringement.

In his enthusiasm for the grandiose vision of "ordered liberty," Dworkin does not bother to examine the historical errors underlying Harlan's breezy dismissal of the textual Bill of Rights. As a result, Dworkin is not convincing when he claims that "any competent" interpretation of due process would reach the same result. Yet if one accepts Harlan's opinions in *Poe* and *Griswold*, as all nine justices of the Rehnquist Court say they do, then is Dworkin correct that a right to abortion inevitably follows? Or are the conservative dissenters correct when they insist that contraception and abortion can be somehow distinguished?

III.

In *Casey*, Rehnquist suggested three reasons for embracing *Griswold* and rejecting *Roe*. Although Rehnquist sketched his arguments in the most cursory man-

ner, each of them can be developed more persuasively. The first is an argument about "tradition." Even if the privacy of the marital bedroom has traditionally been respected, Rehnquist insisted, "the historical traditions of the American people [do not] support the view that the right to terminate one's pregnancy is 'fundamental.'" The single paragraph that Rehnquist devotes to this claim is too vague to be adequate. Rehnquist maintains that in 1868, when the Fourteenth Amendment was adopted, twenty-eight out of thirty-seven states had laws "banning or limiting abortion." He emphasizes that the common law made abortion after fetal "quickening" an offense. He fails to emphasize, however, that from the time of founding until well into the nineteenth century, few states banned abortion *before* fetal quickening.

Based on the common law understanding, it is at least arguable that the "traditions" of the American people *do* support a right to terminate pregnancy before quickening. But Rehnquist's position is also plausible: in light of the nineteenth-century movement toward more restrictive abortion laws, perhaps the tradition supporting a right to abort before quickening is not deeply rooted enough to be considered "fundamental." This much, at least, is clear: having decided to acknowledge "tradition" as an independent source of constitutional rights, the conservative justices have an obligation to explain, much more carefully than they did in *Casey*, exactly how and when "traditions" get measured. In other words, what is the relevant historical period? The Founding? Reconstruction? An uninterrupted stretch from the mists of Runnymede to the mists of Reagan? And how long must the tradition endure for judges to enforce it?

In language that Dworkin ignores, Harlan stressed that the "conclusive issue" for him in *Griswold* was the "utter novelty" of the Connecticut law. When *Roe* was decided, by contrast, most states prohibited abortion except when the life or health of the mother was threatened. Rather than rummaging haphazardly among unwritten traditions, in other words, the justices might anchor their search for the "conscience of our people" by looking for a consensus among the state constitutions and state laws that are currently on the books.

The second way of distinguishing *Griswold* from *Roe* is an argument about legal precedent rather than tradition: perhaps Blackmun simply read the contraceptive decisions too broadly. Harlan's fundamental right to marital privacy was centrally concerned with government

snooping around activities customarily performed in bed. It rested on the idea that enforcement of the Connecticut law would have been virtually impossible without an unacceptable intrusion into the privacy of the home. In this sense, it was really a right of informational privacy, and it relied most heavily on the First, Fourth and Fifth Amendments, which limit the ways government can gather information about the private lives of citizens.

A decision about abortion is "at least as private" as a decision to use contraception, Dworkin declares. In his leap to generalize, however, he obscures the crucial distinction. Abortion, unlike sex, is rarely performed in the bedroom. *Roe* is hardly a case about government snooping. If the privacy right recognized in *Griswold* is merely a shield against unreasonably nosy law enforcement, rather than a broad guarantee of "procreative autonomy," then restrictions on abortion providers seem much more defensible than restrictions on contraceptive users. (Anti-sodomy laws, by contrast, seem more analogous to anti-contraceptive laws, and the conservative attempts to distinguish them look less persuasive.)

The third and most important difference between abortion and contraception—and the only difference that

Dworkin addresses directly—is the presence of a fetus. "Unlike marriage, procreation and contraception, abortion involves the purposeful termination of potential life," Rehnquist announced in *Casey*. White had pressed this point in earlier decisions, suggesting that the presence of a fetus alters "the characterization of the liberty interest itself."

The conservative argument, as Dworkin is not the first to point out, is exquisitely circular. It begs the central question: whether, and when, a state can regard a fetus as a person. Blackmun acknowledged in *Roe* that if a fetus were a person, the state would undoubtedly have a compelling interest in protecting it. But given irreconcilable differences of opinion on the subject, he held that states were not free, by adopting one theory of life, to override the rights of the pregnant woman. In Dworkin's view, Blackmun's conclusion on this point disposes of the abortion question entirely. No state, Dworkin argues, is free to deny rights that the Constitution does establish by recognizing rights that it does not establish. Instead, as long as the fetus isn't a person, the state's only power to protect it must flow not from the idea that fetuses have the right not to be killed, but from the idea that life is sacred.

Here is where Dworkin gets very slippery. From the moment of conception, he says, states have a legitimate interest in "maintaining a moral environment in which decisions about life and death are taken seriously and treated as matters of moral gravity." But it turns out that this interest isn't very compelling after all, since it is not strong enough to justify even modest restrictions on access to abortion, like parental consent requirements or a waiting period. According to Dworkin, there are "better methods to encourage women to reflect about" the moral gravity of abortion, such as providing financial aid to poor mothers.

Dworkin also insists that the "detached" interest in encouraging people to think hard about abortion isn't compelling enough to justify a complete ban on abortion from the moment of conception. Only at the point of fetal viability—when the fetus first experiences sensations and therefore first develops interests—does the state's interest in potential life become strong enough to justify a ban.

The argument is philosophically debatable. It is also constitutionally dubious. As John Hart Ely pointed out in a famous essay on *Roe*, the Supreme Court has never said that compelling state interests exist only when a *person* is

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threatened with harm: dogs are not "persons in the whole sense," but that doesn't mean the state can't prohibit you from slaughtering them. (Dworkin responds vaguely that government can't protect dogs in ways that cause "serious damage to one group of people," which should not make him popular with the animal rights movement.) And as Jed Rubenfeld has noted, it seems odd to suggest that the Constitution, in addition to establishing the rights that states *must* protect, should also be read to establish all of the interests that states *may* protect.

IV.

Dworkin is not content, in the end, to rest on Harlan or the due process clause. "The general structure of the Bill of Rights is such that any moral right as fundamental as the right of procreative autonomy is very likely to have a safe home in its text," Dworkin argues; and so restrictions on abortion violate several overlapping amendments at once. At this point, Dworkin reveals himself to be the heir not of Harlan but of William Douglas, whose majority opinion in *Griswold* found a right to privacy in "penumbras, formed by emanations" from various unrelated clauses of the Bill of Rights. (Douglas had originally wanted to rest squarely on the First Amendment right of freedom of association, since "marriage flourishes on the interchange of ideas"; but Black objected that the right of married couples "to assemble in bed is ... new ... to me.")

After shopping leisurely, Dworkin decides to anchor his argument in another part of the First Amendment: the religion clauses, which provide that Congress shall make no law "respecting an establishment of religion, or prohibiting the free exercise thereof." Dworkin's First Amendment argument goes something like this. Because opinions about abortion rest on different interpretations of a shared belief in the sanctity of human life, they are themselves "essentially religious beliefs." Government cannot, without violating the free exercise clause, "prescribe what people should think about the ultimate point and value of human life."

Some women, Dworkin concedes, choose abortion for reasons that cannot remotely be traced to views about the sanctity of life. But even if the free exercise clause does not apply in their case, they would be protected by another, unspecified part of the First Amendment (presumably the establishment clause), which Dworkin interprets to forbid government from "commanding one essen-

tially religious position over others." Dworkin then praises the majority opinion in *Casey*, which did not mention the First Amendment explicitly, but was "studded with religious allusions," such as its reference to "the right to define one's own concept of existence, of meaning, of the universe and of the mystery of human life." This demonstrates, Dworkin suggests, the "striking overlap" between the First Amendment and other constitutional provisions on which the justices relied more openly; and it proves that "redundancy is [no] constitutional vice."

The argument perfectly distills the hazards of Dworkin's broader constitutional project. It is worth noting (since Dworkin oddly fails to note it) that Laurence Tribe outlined a similar argument in 1973 and then recanted five years later, conceding that he had underestimated the importance of allowing religious groups to express their convictions in the political arena. Tribe also came to appreciate the power of moral convictions about abortion that have nothing to do with religious beliefs.

Such distinctions are lost in the sweep of Dworkin's abstractions. He has no interest in exploring the relationship between the various words in the two clauses or the broader purposes for which they were ratified. The First Amendment does not, after all, say that "Congress shall make no law respecting the mystery of human life." Nor are there any apparent limits to Dworkin's vision. He suggests offhandedly that the Hyde Amendment, which prohibits public funding for abortions and which the Court has long approved, should be struck down because it is "tantamount to establishing one interpretation of the sanctity of life as the official creed of the community." In a breath, Dworkin transforms the establishment clause, whose overriding purpose is to maintain neutrality between religion and irreligion, into a perverse requirement that government must subsidize abortion *because* many religions find it abhorrent.

The most unfortunate result of Dworkin's appetite for abstraction is that it leads him to rush past the most plausible textual home for the right to choose: the equal protection clause. In his chapter on the morality of abortion, Dworkin discusses some of the more outrageous feminist objections to the privacy doctrine. Catharine MacKinnon, for example, rejects the idea that sex is a private matter, since it implies that government has no legitimate concern with what happens to women behind the bedroom door, where sex is often like rape.

But the more sensible equality argu-

ment, which many liberals now acknowledge is less farfetched than the privacy argument, goes something like this: restrictions on abortion (and contraception) are a form of sex discrimination, since they place the risks and burdens of pregnancy and child-rearing on women but not on men. Government does not require fathers to devote their bodies to save their children, even when a kidney transplant is necessary to prevent the child's death. By conscripting women's bodies into service, forcing them to conceive, to bear and to raise unwanted children, the state perpetuates constitutionally unacceptable stereotypes of women as incubators. And the wave of late nineteenth-century abortion restrictions, at least, was unambiguously motivated by discriminatory ideas about the proper role of women in society.

In his eagerness to defend the privacy logic of *Roe* and *Griswold*, Dworkin dismisses the equal protection argument with a single sentence: "Abortion normally requires a physical attack on a fetus, not just a failure to aid it." Well, what of it, if the fetus is not yet a constitutional person? Besides, some abortions take the form of induced labor, and do not require an attack on the fetus at all. Dworkin is simply begging the question of whether a biological difference can be used, for constitutional purposes, to justify the bodily conscription of women but not men.

A more troubling objection is that abortion restrictions today, unlike those in the late nineteenth century, may be motivated exclusively by views about the sanctity of life, and may not reflect stereotypes about women in any way. To avoid the dangers of Dworkinian abstraction, more careful work also remains to be done about whether the ratifiers of the equal protection clause meant to single out sex discrimination for special scrutiny, as a 1988 student note in the *Yale Law Journal* suggests they did; and why. The challenge is not to be tethered to their specific intentions, but to have a more historically nuanced understanding of their general principles.

Perhaps the effort to locate the right to choose in the equal protection clause will prove no more convincing, ultimately, than previous efforts to locate it in the First, Fourth, Fifth, Ninth, Thirteenth and Fourteenth Amendments. Perhaps *Roe* will remain what Richard Posner calls the Wandering Jew of the Constitution, searching hopelessly for a textual home. But the fact that a historically rooted equal protection argument has yet to be refined is an indictment of liberal and conservative justices, like Blackmun and Harlan, who confused

the abortion debate with their misleading metaphor of privacy; and of scholars like Dworkin, who have defended and expanded the metaphor further than logic and history can bear.

Despite his energy and his intelligence, Dworkin does not achieve the overarching goal that he has set for himself, of "transcending the perennial conflict between strict constructionists and liberal expansionists." For the abstract expressionism of his constitutional vision is as self-serving as the pointilism of his conservative opponents. Like them, he chooses the level of interpre-

tive generality that is most likely to coincide with his moral intuitions. Other legal scholars, meanwhile, are managing to avoid these extremes. The most exciting liberal constitutional theorists today have weaned themselves of Dworkinian abstraction and are immersing themselves in constitutional text, history and structure with a rigor that some of their predecessors managed to avoid. Call them New Legal Historicists, or Neo-Federalists; but do not call them irresponsible. For liberals in search of a constitutional philosophy, their work is the place to look. •

As the Raj Turns

BY RICHARD JENKINS

A Suitable Boy by Vikram Seth

(HarperCollins, 1,349 pp., \$30)

In *The Golden Gate*, the brilliant verse novel about life in California that made his name, Vikram Seth tells us that he started rhyming (in English) at the age of 3. The whole of that book is written in tetrameter sonnets, including the dedication, the table of contents and the author's biography at the back. Since his name is pronounced something like "sate," he has made even the title page rhyme: *The Golden Gate / by Vikram Seth*. The literary taste behind this is delightfully broad and unpretentious; Belloc's *Cautionary Tales for Children* are quoted as much as, if not more than, Shakespeare and Marvell.

The passion for versification, and especially for gladly silly versification, spills over into *A Suitable Boy*. It is mixed in with an engagement with English literature, shared between Seth and most of his main characters, which also ranges from the sublime to the absurd. The boisterous Chatterji family improvises doggerel couplets at the breakfast table. Seth's contents page summarizes the subject of each chapter in couplets, the style of which will recall to English children—and I suspect to middle-class Indian children too—the adventures of Rupert Bear. Mrs. Rupa Mehra, the heroine's voluble and sentimental mother, cuts out the verses in greetings cards, and finds the emotions stirred in her by the birth of her granddaughter summed up in a more than usually emetic poem by Wilhelmina Stitch ("A

Lady Baby came to-day—' / What words are quite so nice to say..."). Her family, which includes a lecturer in English at the local university and a student in the same department, adopts these verses as a running joke.

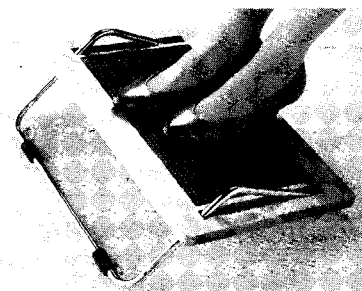
In perhaps the best scene in the book—certainly in its most amusing scene—the heroine, Lata, and her boyfriend attend a meeting of the Brahmapur Literary Society (next week: Professor Mishra on "Eliot: Whither?"), where Mr. Nowrojee reads his formally exact triolets and Dr. Makhijani his "Hymn to Mother India," babu English mated with the muse of William McGonagall:

Let me recall history of heroes proud,
Mother-milk fed their breasts, who did not
bow.
Fought they fiercely, carrying worlds of
weight,
Establishing firm foundations of Indian
state.

Lata is advised by a friend to read P.G. Wodehouse when her love life is going wrong. Jane Austen is a recurrent name in the book: Lata sits in a train reading *Emma* and looking out at the burning plains of north India; Seth quotes several sentences. One of her suitors is Amit Chatterji, poet and novelist, whose sister remarks, "Jane Austen is the only woman in his life."

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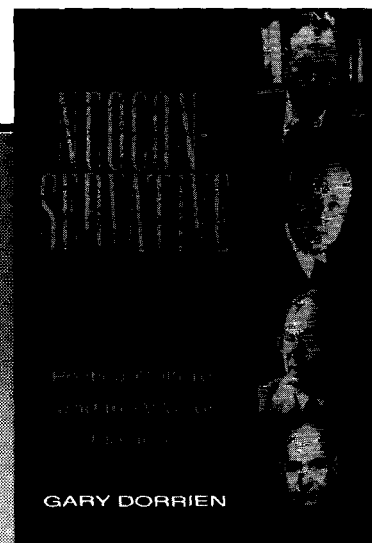


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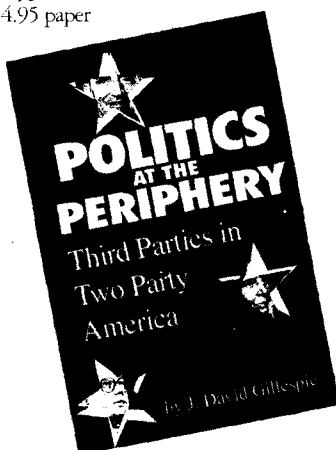
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to find good spoken English and a light complexion: Haresh Khanna, one of Lata's suitors, has the advantage of having studied in England, the disadvantage of having gone to a Midlands technical college, unlike Amit Chatterji, who was at Cambridge. But he scores off the pushy anglophile Arun Mahra, whose knowing chat about London shops and theaters turns out to be entirely secondhand.

In some senses, then, this is a postcolonial novel. It is set at the start of the 1950s and mainly follows the lives of four connected families over a period of two years. There is no single story line and no central character, but a loose framework is provided by Mrs. Mehra's search for a suitable boy to marry Lata—hence the book's rather weak title. It is free, however, of the covert nationalism that is often hidden in the postcolonial novel.

The best of the postcolonial novelists—perhaps the best novelist of our time—was Patrick White. He is commonly seen as hostile to modern Australia, but his scorn is really nationalism frustrated: he is angry with his country for being prosperous, contented and suburban, when it should be grand and tragic. Salman Rushdie is not so different; in *Midnight's Children* he is cross because India ought to have the attributes of a world power but does not, and in *Shame* he is furious with Pakistan for not being India. The novels set in V.S. Naipaul's native Trinidad are straightforwardly colonial, yet he too, in a more muted way, has perhaps a streak of Indian nationalism, to judge from *India: A Wounded Civilization*, which castigates a country that, judged by reasonable standards, has done pretty well in appallingly difficult conditions. Seth, by contrast, has no ax to grind about India, no thesis to argue: he simply lays the life of his characters expansively before us. That, in itself, is fine. The question is whether he has anything much to say.

Is *A Suitable Boy* meant to be the Great Indian Novel? It is certainly a publishing phenomenon. Though there are some scenes of mass violence and death, it is mostly an uneventful narrative of the ordinary lives of middle-class people, and it is 1,350 pages long. Yet publishers have been falling over themselves to buy it. A huge amount of money seems to be riding on this book: the galleys sent to reviewers boast of the "100,000-Copy First Printing," "12-City National Author Tour" and "Extraordinary Three-Dimensional Single-Copy Counter Display." "Destined to become a monumental best seller... an international publishing event": we have become used to films that the motion-

picture industry decrees shall be colossal box-office successes (the public, in a curious way, seems to have no say), and now it is happening to a novel.

It is true that very large books tend to get favorable reviews, for several reasons. Contrary to what writers believe, reviewers are quite softhearted people; faced with the prospect of rubbishing the result of many years' labor, they long to be in a kindlier line of business, like seal-culling or the white slave trade. More cynically, one may suspect that many reviewers will skip a lot of a very long book, and it is dangerous to condemn what you have not read. But there is also a subtler temptation: to suppose that a huge book can only be spoken of, whether for praise or blame, in superlatives. Amit Chatterji, the poet who has turned to writing a historical novel about India more than 1,000 pages long (no prizes for guessing who he is based on), remarks that he hates long books:

The better, the worse. If they're bad, they merely make me pant with the effort of holding them up for a few minutes. But if they're good, I turn into a social moron for days, refusing to go out of my room, scowling and growling at interruptions, ignoring weddings and funerals and making enemies out of friends. I still bear the scars of *Middlemarch*.

This, offering no middle ground, seems like a bid for our approbation: since *A Suitable Boy* is not obviously a bad book, it must be a marvel. What we do not expect, with something so massive, is to speak in neutral, colorless terms: pleasant, mostly unpretentious, some pale charm, some gentle humor, readable but a bit flat and dull. But such, I think, is the judgment that we should return on this book. It is certainly a surprising thing to come from the bravura performer of *The Golden Gate*.

"A story as big as India, as intimate as the heart"—thus the publicity, describing precisely what the book is not. For it is lacking in both largeness and in *le petit fait significatif*, which Stendhal thought to be the essence of the novel. In an effort to be epic, Seth includes four violent scenes: a communal riot resulting in death; a religious festival that goes wrong, causing a thousand deaths; a communal riot bringing many deaths; a religious event that goes wrong, causing death (one notices a certain lack of invention). These episodes are poorly narrated, but in any case they are stuck on inorganically: in between, life trickles quietly on.

Since the novel is essentially a domestic saga, these misjudgments are comparatively unimportant. Much more damag-

ing is the lack of intimacy. The problem is partly that almost all the characters, unlike the "extraordinary counter display," are two-dimensional, the chief exception being the small businessman Hareesh Khanna, one of the suitors, a well-observed mixture of awkwardness, passion, dullness and persistence. Lata never comes alive at all. Other people describe her mostly, we note, in negatives: "unaffected," "intelligent without arrogance" and "attractive without vanity." Fifty pages from the end she rejects one suitor because "his moods veer and oscillate as wildly as mine"; we have seen no sign of this alleged temperament.

Seth seems unable to realize inner experience. Perhaps the most intimate moment in the whole novel comes near the beginning, when Lata and a boyfriend go up river to see the Barsaat Mahal (not described, but presumably we are to imagine a Taj Mahal transferred from the banks of the Jumna to the banks of the Ganges):

"Now sit and watch for five minutes," said the boatman. "This is a sight you will never forget in your lives."

Indeed it was, and neither of them was to forget it. The Barsaat Mahal, site of statesmanship and intrigue, love and dissolute enjoyment, glory and slow decay, was transfigured into something of abstract and final beauty. Above its sheer river-wall it rose, its reflection in the water almost perfect, almost unrippled. They were in a stretch of the river where even the sounds of the old town were dim. For a few minutes they said nothing at all.

That is not badly written (except for the helpless sentence, "Indeed it was, and neither of them was to forget it"). But it is not very well written, either. The Barsaat Mahal is not realized; we have to take its beauty on trust. And anyway, what a cop-out to wheel on this tourist-poster backdrop as a substitute for the exploration of the interior life.

That is meant to be a particularly charged passage. Much more of *A Suitable Boy* is like this:

At the stroke of ten, from behind the dull scarlet hangings to the right of Courtroom Number One of the High Court of Judicature at Brahmipur, the five white-turbaned red-liveried gold-braided ushers of the judges emerged. Everyone rose to his feet. The ushers stood behind the tall-backed chairs of their respective judges and, at a nod from the Chief Justice's usher—who looked even more magnificent than the others owing to the insignia of crossed maces across his chest—pulled them back to give the judges room.

All eyes in the packed courtroom had followed the ushers as they moved toward the bench in what was almost a procession. Normal cases required a single judge or a

bench of two, and cases of great importance and complexity might be assigned to three judges. But five judges implied a case of exceptional moment, and here were the heralds of the five in all their resplendent regalia.

Again, that is not positively bad writing, but it lacks any positive quality. It just rambles on inertly, with what Austen called "too many particulars of right hand and left." Sometimes the proliferation of pointless detail becomes absurd. Consider this, about a character who will appear for only a page or two:

He had on an open shirt and fawn trousers. His coat was hanging across his chair. He was a well-proportioned man, about 5 feet 9 inches in height, and extremely soft-spoken. He was unsmiling and unbending and hard as nails.... His eyes were penetrating.

The book is like a soap opera, or to take a more literary comparison, like a Victorian serial novel, in that it often seems to go on simply because there is time or space to be filled. A mother has a baby; the delivery is painful; then the mother is happy. So what? And when invention runs out, there are doublet episodes. Lata is threatened with sexual abuse, but escapes; the youngest Chatterji is threatened with sexual abuse, but is rescued. Maan Kapoor gets drunk and misbehaves in a way that threatens his elder brother's career; his father turns him out of the house. Varun Mehra gets drunk and threatens his elder brother's career; his brother turns him out of the house. Sometimes Seth seems to be inspired by the schoolteaching technique of Waugh's Paul Pennyfeather: "There will be a prize of half a crown for the longest essay, irrespective of any possible merit."

The publicity material describes *A Suitable Boy* as "passionate and teeming," and compares the author to Dickens, Tolstoy, Austen and George Eliot. Actually, Seth seems somewhat distrustful of passion: readers can compare the decisions of Lata and of the heroine of *The Golden Gate* about their marriages (it would be unkind to potential readers to say more). "Teeming" gives us two clichés in a single word—one about India, another about long novels. If Seth is trying to teem, he fails; but perhaps it is fairest to judge the book as an epic of domestic life. This is no *War and Peace*, not least because Seth does not adequately fit together his story's public and private dimensions. Thanks to translations, we may have the subconscious impression that the great Russians all wrote the same decent, colorless prose; that, alas, is *A Suitable Boy*'s nearest

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resemblance to Tolstoy. It lacks not only Dickens's genius but also his energy and his comic gusto (there is a clumsy chapter in which an old retainer is pushed onto the stage to mangle the English language in a series of comic malapropisms). Nor is this the Indian *Middlemarch*: Seth lacks not only George Eliot's psychological penetration but her sense that life is a matter of moral choices. Surprisingly, moral drama is absent from *A Suitable Boy*—or almost. True, the politician Mahesh Kapoor decides to leave the Congress Party. Then he decides to rejoin. It is impossible to care.

The comparison with Austen is the one that Seth himself seems most to court. Indeed, the opening of the book, with a garrulous, silly mother looking for husbands for her daughters, the elder docile and beautiful, the younger more lively: Does this not recall the start of *Pride and Prejudice*? But within a page Austen has moved from the famous generalization of her first sentence into the heart of the Bennets' lifeless marriage, with a funny but terrible picture of a clever man, tied to a foolish woman, consoling himself by making jokes at her expense that he knows she is not smart enough to understand. Few writers, to be sure, could match that.

A *Suitable Boy* is a rather likable book, beneficent toward almost all its characters. We are constantly being told how high-minded, kindly or popular so-and-so is. This occasionally pooterish amiability extends to the smallest walk-on parts: "'Would you take down a letter, Miss Christie?' he said to his secretary, an exceptionally discreet and cheerful young Anglo-Indian woman"—and one who will barely last a paragraph. In a similar spirit of benevolence, Seth seems unwilling to hurt his characters, and this is ultimately debilitating to the novel: if you prick his people, they do not bleed.

Thus Pran Kapoor's standing with his boss is wrecked by his brother, but he expresses no anger. Lata is removed to Calcutta by her mother to get her away from her unsuitable Muslim boyfriend, but she continues to behave toward her with the same unruffled amiability. Mahesh Kapoor the politician is pushing through a bill to expropriate the lands of his old friend the Nawab, but the Nawab does not let this mar the friendship. Eventually the book lurches, unexpectedly, into novelettish melodrama, and two of the characters are very nearly murdered by a third; but despite their grave injuries they cheerfully forgive their almost-killer. One does not feel that this shows their nobility. They suffer no pain because there is

nothing inside them except stuffing.

Near the end of the book Lata chooses between her three suitors. I had thought that I would be indifferent to the decision, but this was not so; her best friend's distressed belief that she has married the wrong man raises a genuine issue. The book ends, as it began, with a wedding; the close is mildly touching, mildly amusing—it goes against the grain to speak of so vast a novel in such unemphatic terms, but it seems right. *A Suitable Boy* is, of course, preposterously too long, but the

publishers were probably right on commercial grounds not to cut it, for there is nothing prodigious about it except its length. Were it 600 pages shorter, it would be obvious for what it is: a decent, unremarkable, second-rate novel. As it is, after 1,300 pages the feeling still persists that it is a little thin.

RICHARD JENKINS is the author most recently of *Dignity and Decadence: Victorian Art and the Classical Inheritance* (Harvard University Press).

An American in New York

BY WILFRID MELLERS

The Memory of All That: The Life of George Gershwin by Joan Peyser

(Simon and Schuster, 320 pp., \$25)

Catching the moment as it flies, art allows us to live momentarily in eternity, and to become more aware of human potentiality. Entertainment is said to accomplish the opposite, confirming us in our conformities and whiling away our time, offering momentary relief from the difficulties of living. But the distinction between the two pursuits is a comparatively recent invention. A "primitive" would not know what it meant, and in "civilized" communities it has become sociologically significant only during the relatively brief centuries of industrialization, when ulcer-afflicted businessmen have sought refuge in the anodyne delights of operetta, opéra bouffe and, climacterically, the American musical.

And yet there is something too simple about such distinctions. For it turns out that in musical theater the pieces that last longest because they are commercially the most successful tend to be those that are artistically the strongest. The American composer Marc Blitzstein put it succinctly half a century ago, when he remarked that

I have heard that a theater song, being plugged, need only be pluggable, while a concert song can take its time, make its points more musically; in other words, don't be too good a composer and you may write a successful theater song. It doesn't make sense to me. The good theater songs of the past seem to have lasted, the poor concert songs seem to have died; and time and tarnish go their own sweet way, plucking off the cheaper products without regard to category.

Blitzstein himself, a highly literate university-trained composer, proved this in the theater music that was all he would eventually acknowledge among his compositions. But a still more powerful refutation of the common view is offered by George Gershwin, who was reared not in a musical academy or a university, but on Broadway itself, and who lived through a glamorous if hurried career in show business.

Like many big names in this arena, Gershwin, born in 1898, was a Jew in New York of European—strictly speaking, Russian—extraction. His father was a harshly Hebraic small businessman, and his mother, according to Joan Peyser, was uncaring because incorrigibly narcissistic. George's brother Ira was the bright boy, and the "good" one; George himself had few academic talents and no application. But he had remarkable instinctive gifts as a pianist, on the basis of which he found himself working as an unambiguously "commercial" musician, playing potential hit numbers to a potential public in a music publishing house.

Even in his early days his idols were black jazz pianists such as James P. Johnson and (especially) Luckey Roberts; but, being a young man of charisma, he consorted easily with the white entrepreneurs and theater people who came his way and was soon producing theater music himself. His shows were "revues"—chains of song-and-dance acts like George White's "Scandals"—or embryonic operetta or musicals sketching a rudimentary boy-meets-girl story. All fol-

lowed traditions tentatively explored quite early in the nineteenth century by Stephen Foster, Louis Moreau Gottschalk and John Philip Sousa, and established in theatrical shape at (or just after) the turn of the century by American Jews of European ancestry, notably Jerome Kern and Irving Berlin. All were dedicated to hedonism or nostalgia, courting the common heart and the commoner appetite.

Yet Gershwin, even more potently than those immediate predecessors, proved that hedonism and nostalgia did not deny human verities, though they might sometimes threaten them. Without consciously rebelling against the narrow convention of the thirty-two-bar Broadway "standard," he made within it songs that have lasted, because their clichés were reanimated. As theatrical experience, neither his individual songs nor his later musicals confirm John Lahr's statement that "musicals are America's right-wing political theater because they reinforce the dreams that support the status quo." The politics of "Strike Up the Band," for instance, tend—albeit facetiously—to deflate the war effort in parody; and one of Gershwin's most poignant songs, "The Man I Love," which was intended for the production but not included in it, is specifically about the ambiguous meanings of dream.

The lyric, by George's brother and long-time collaborator Ira, begins with the moon-june cliché and the vision of Prince Charming; simultaneously it admits that the dream, though true to the cravings of the human heart, is unlikely to be true in fact. The girl laughs at herself ("the he for me") without destroying the truth of her tenderness. The music beautifully enacts this: four repeated E-flats establish the intimacy of the speaking voice in youthful simplicity, while a rising scale in dotted rhythm makes hope flutter in her tremulous heart. But the wistful mockery of the "he for me" phrase is imaged in the sophistication of the (augmented triad) harmony, and the tinge of irony means that the restatement of the initial phrase isn't merely that. The relatively austere minor harmony now helps us to accept that "to me it's clear that he'll appear," and suggests that her dream, if illusory, is not merely self-delusion.

This becomes palpable in the refrain's yearning, lilting phrases, which oscillate between major and minor. The vision of the Man I Love as a hero, "big and strong," has an undercurrent of pathos, since it is harmonized in declining sequences, drooping to repeated Gs in long, sustained tones, to "make him stay"



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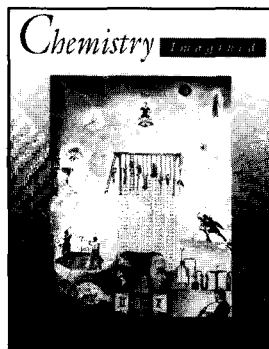
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on those very words. After that, the asymmetry of the climactic phrase, soaring to the blue flat seventh, evokes the mingle of wonder and apprehension in the girl's meeting with her legendary lover; while at the final cadence the still longer repeated notes enact the speechlessness, and re-create the innocence, of the dreaming girl. Dreams may be truer than truth.

Such mini-miracles, which are not exceptional in Gershwin's output, are attributable only to genius, as distinct from talent. Superficially at least, he was a cocky young man, all too aware of the quality of his gifts, as compared with those of equally successful competitors, and his success was of the type known as "fabulous." Still, even if he made a vast amount of money, adopted the lifestyle of F. Scott Fitzgerald's *Beautiful People* and was adored by a phalanx of ravishing as well as ravished women, Gershwin was not—in Peyser's account—a happy man. A compulsive womanizer, he rebuffed intimacy except of the physical kind, keeping his distance even from Kay Swift, who was by far his most durable on-and-off lover. Like many of his girls, she was a conventionally trained musician, and safely if not happily married; the only woman he ever said he loved was the extravagantly beautiful Paulette Godard, already married to his friend Charlie Chaplin. Despite the touching equivocation between reality and dream in a song like "The Man I Love," Gershwin does not seem to have been adept at reconciling love and sex.

He was still more agonizingly aware of a gap between the commercial world he lived in and the artistic milieu he aspired to. He couldn't or wouldn't see that the division was (as Blitzstein pointed out) nonsense: the quality of human awareness is not dependent on category, but may burgeon wherever there is, in Henry James's phrase, a sufficiency of "felt life." Peyser goes along with Gershwin in supporting his near-paranoid case that composers of the European-trained establishment caballed against him; she

even stigmatizes the wondrously generous Aaron Copland, a composer far more indigenously American than Gershwin.

Even so, it may be that Gershwin's neurotic disaffection, which complemented the charm and the "sweetness" that left people spellbound, was necessary for his artistic fulfillment. His mature musicals of the late '20s—*Strike Up the Band*, *Oh Kay*, *Girl Crazy*, *Funny Face*—hint at darker strains within euphoria, and nervously touch on tricky themes such as alienation and the ethics

inger's briefly fashionable short-cut "system" of music-making and to examine selected scores of relatively advanced composers. Peyser tells us that he was partial to Shostakovich's First Symphony, Stravinsky's *Les Noces* and *Symphony of Psalms*, Berg's *Lyric Suite* and the four string quartets of Schoenberg (with whom, after the refugee from Austria was domiciled in Hollywood, he often played tennis or pingpong—one can't help wondering who won). Gershwin also sought lessons from Ravel, whose music he not unexpectedly relished,

though Ravel turned down the invitation on the grounds that he had nothing to teach Gershwin. One suspects that Ravel meant precisely what he said: not (as the idolaters claimed) that George had been endowed by heaven with faultless technical equipment, nor (as the scoffers hinted) that the commercial music man was congenitally incapable of learning his craft, but simply that his genius offered him all the technique that he needed.

At this date this seems to be proved by the fate of Gershwin's concert pieces, the earliest of which, the *Rhapsody in Blue*, made him a celebrity overnight. It was commissioned in 1924 by the appropriately named Paul Whiteman for his Big Band, which was not an authentic black jazz band but a white concert orchestra purveying jazzy light music with benefit of strings. Gershwin followed show business convention in

handing over the scoring to a professional arranger in the person of Ferde Grofé. But the furor created at the first performance—at which, if we can trust Peyser, Heifetz, Kreisler, Rachmaninov, Sousa, Stokowsky, Godowsky and Stravinsky were present—was attributable mainly to Gershwin's electronically ebullient, in part improvised, performance at the keyboard.

Professional critics and frowzy academics predictably condescended to the piece on the grounds that it consisted of a few good show tunes strung together with "Lisztian tinsel," but its marvelous melodies, and even its streamlined glam-

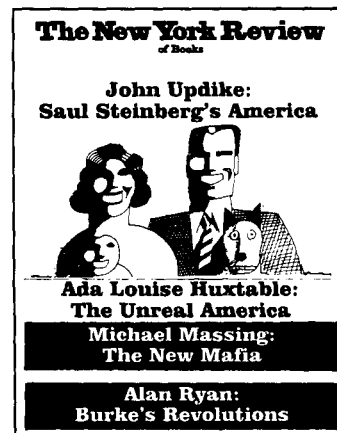
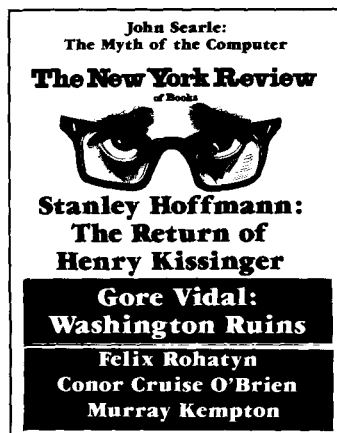
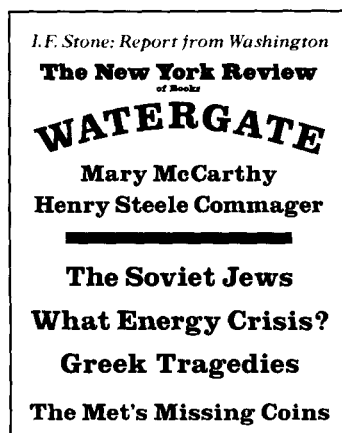


GEORGE GERSHWIN BY VINT LAWRENCE FOR THE NEW REPUBLIC

of war. Moreover, throughout his life Gershwin nursed ambitions to be an established concert composer, with works performed on the art music circuits, and even by the International Society for Contemporary Music. Peyser's musically naive book doesn't aid Gershwin's cause by fueling his misanthropy over "genteel" musicians. Gershwin's anguish was justified, if slightly stupid; but Peyser's is way off the mark, for the obvious reason that time has told, as it always does.

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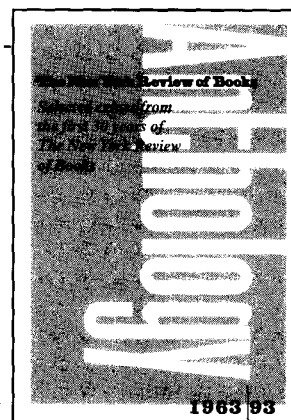
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our, have failed to tarnish. Even that tinsel holds secure; and although Peyser's aligning of the event with the first performances of *The Rite of Spring* and *Pierrot Lunaire* is daft, Gershwin's most famous First Night has sociological significance. His craftsmanship may have been instinctive, but it works.

Rhapsody in Blue was rescored for piano and full orchestra, in which form it is now established in the concert repertory. The next year Gershwin capped it with a Piano Concerto in F, a work more classically structured as well as titled, yet even more musically inventive. This, too, was initially panned by critics, but it is now a repertory piece; it must be one of the most frequently performed piano concertos of our century. Nor need Gershwin have worried that his later symphonic work *An American in Paris*—his first to dispense with himself as solo pianist and to be entirely self-orchestrated—was dismissed as a pot-pourri of hit tunes. All that matters is that hit the tunes did and do, as Gershwin's jaunty young American discovers fiery hedonism in the tooting horns of Parisian taxis, and fashions from the bluesy Big Tune a symphonic climax nostalgic for an innocent American boyhood and for the perennial renewal of April in Paris. This skillful, heartfelt work in no way demeaned Carnegie Hall when it was performed there in 1928, and it has never surrendered its quasi-classical status. It is not a "great" work, but it survives when hundreds of more pretentious pieces have gone with the wind.

Gershwin's ultimate vindication came when, in the last few years of his life, he lighted on Dubose Heywood's novel *Porgy*, which deals somewhat artily with Negro life in the tenements of South Carolina, around Charleston. Although he was not an intellectual and not much of a reader, Gershwin manifested his genius in recognizing—with an accuracy

comparable to Britten's—that here was his essential theme. Given that recognition, Heywood and George Gershwin, with Ira Gershwin as clever lyricist, could produce the libretto of a fully fledged opera exploiting an interplay of speech, recitative, arioso and (pop-standard) aria, and exhibiting a musical-theatrical craft rivaling that of Puccini, or even Verdi.

Within the sophisticated harmonic and orchestral textures—like Ellington's, they recall the powerful nostalgia of Delius and Ravel, and occasionally the expressionist intensity of Berg—Gershwin finds scope for elements stemming from black folk traditions: the magical street-calls, the funeral wakes, the festive junketings, all of which Gershwin, staying in Charleston, had relished at first hand. Above all, he embraced the black blues, which he understood more deeply and intuitively than any art composer, thereby tinging with a darker veracity the memorability of his tunes. (It is worth noting that genuine jazzmen played in his theater bands in the '20s; Red Nichols, Charlie Teagarden, Benny Goodman and Gene Krupa featured in the ensemble for *Girl Crazy*.)

Initially *Porgy and Bess* was considered fraudulent—by some blacks who thought it condescending, and (more predictably) by the mean white Daniel Gregory Mason, whose rabid anti-Semitism sounded almost unhinged, and by the brilliant Virgil Thomson, whose surprising (and regrettable) attack was devastating. How sad that "political correctness," of whatever side, could then, as now, deafen ears and numb sensibility. At this date the authenticity of Gershwin's parable about oppression, alienation, corruption and the inviolability of a radical innocence of spirit cannot be gainsaid. Though Gershwin was not, like his (and the real Charleston-located) Porgy, a physical cripple, he was a psychological cripple:

an archetypal White Negro and poor-boy Jew, who, making good, knew much that was to be known about spiritual isolation, and had opportunity enough to learn about corruption. Through these quicksands he preserved, like Porgy, a truth that shines through the radiant "Summertime" lullaby that opens the opera with a vision of a childhood Eden, "safe from the Woolf's black Jawe and the dull Asse's Hoofe," and is still potent at the end when he trundles off in his go-cart to seek, in distant New York, his Eternal Beloved.

In Gershwin's opera the maimed hero evolves from pathetic vulnerability to heroic nobility, yet reveals his tragic fallibility in that he can confront Crown's violence only by resorting to it himself—murdering Crown to Crown's own music. For Crown, Bess's alternative lover, is Porgy's tenebrous alter ego; since both are necessary for maturation, Porgy's credulous nobility and Crown's dark passion ought to be one. Magnificent alike in voice and physical stature, Crown is no mere villain, he is a life force, or rather a life force perverted. What perverts him, and prevents him from attaining harmony with Porgy, are the non-values of commerce and prostitution as exemplified in Sportin' Life, a very light mulatto. So savagery becomes callous, and innocence itself savage; and Sportin' Life, in some ways a comic character and a tenor who resorts to falsetto, is a powerful snake in the grass, whose figurations are often serpentine. He utters unpalatable truths: primitive superstitions ain't necessarily so, and the industrial New York to which he lures Bess is and must be the future—however insidious the seduction of his Happy Dust, which is both cocaine and the American Dream.

The victim caught between these three formidable male forces, of course, is Bess, the eternal feminine principle unable to come into its own because those forces cannot, for whatever psychological and sociological reasons, attain equilibrium. In creating such moving music for Bess—sophisticated in its voluptuousness, yet guileless in teetering between Porgy's honest but broken goodness and Crown's grand but implacable badness—Gershwin may have been making psychological restitution to the women he had emotionally maltreated throughout his life. (Peyser salaciously hints that there may have been a sadomasochistic physical element involved, too.)

In any case, restitution is a theme apposite to the whole opera, which is not really about poor blacks in the Deep South, but about the nature of American

Song

My heart, my dove, my snail, my sail, my
milktooth, shadow, sparrow, fingernail,
flower-cat and blossom-hedge, mandrake

root now put to bed, moonshell, sea-swell,
manatee, emerald shining back at me,
nutmeg, quince, tea leaf and bone, zither.

cymbal, xylophone; paper, scissors, then
there's stone—Who doesn't come through the door
to get home?

CYNTHIA ZARIN

society. Porgy's simple nobility, Crown's ruthless courage that fears neither God nor man and Bess's unstably wavering passions are all human, alike in strength and weakness. Porgy and Crown are forgiven for their murders, Bess for her defection; and even Sportin' Life is forgiven for being what he has to be. Gershwin also forgives himself, insofar as he "stands for" a lost, alienated race. Significantly, the few white people in the opera—police, lawyers, attorneys, uncivil servants—are restricted to clipped speech that cannot aspire to song.

Here again the opera's musical-theatrical technique is identified with its psychological theme: what it is "about" is precisely the equivocation between art and commerce which is its technical modus vivendi. This is why we no longer recall—in any competent performance, and many are now much more than competent—that some of the orchestral textures used to be considered overblown, and some of the transitional passages perfunctory. These charges are as beside the mark as the older, more fundamental charge of non-authenticity. With clear ears and a decent respect, one now recognizes that *Porgy and Bess* is not just a good opera, but also a great opera. How moving it is that this marvelous composer should, half a century ago, have created in the tragic denouement of his masterpiece music that makes us want to live more abundantly, however desperate the odds.

We cannot know what would have happened had Gershwin not died of a brain tumor at the age of 39, two years after the first performance of *Porgy* in 1935. Peyser hints that the hostile reception of his opera may have killed him, referring to a line of Woody Allen's: "I never fight back. I get a brain tumor instead." Still, Gershwin would not have had to wait long for vindication, and might have made *Porgy and Bess* the first of a series of major operas. And yet it is possible that, having so comprehensively embraced his essential theme, he had shot his bolt, and left nothing further to be said. The myth of *Porgy and Bess* haunts us vividly because it seems curiously outside time—as was, in its way, George's unreal life, wherein he certainly fathered a son, probably a daughter and possibly other offspring, while seeming to have no before or after. His premature death has a certain experiential logic: like his opera, it was a catharsis.

WILFRID MELLERS is emeritus professor of music at the University of York. His books include *Music in a New Found Land: Themes and Developments in American Music* (Faber & Faber).

TRB continued from page 6

employee because of his or her party affiliation. With a few grudging exceptions, patronage has simply been prohibited. "A state job is valuable," the Court notes. Surely we can't penalize somebody for his political beliefs by taking away this valuable thing.

But what about the possibility that some government workers are actually inspired in their work by their beliefs—that they are eager to work for a Democrat because they, too, are Democrats? Or, conversely, that they might drag their feet enforcing the policies of an elected Democrat because they are Republicans? The Court's response to this possibility has been an unsupported pronouncement that "it is doubtful that the mere difference of political persuasion motivates poor performance" by government workers.

Thus, beliefs are protected by draining them of any consequence. Democrat, Republican, Communist, anti-Semite. These things are "vital," we're told, part of a "critical dialogue." They lie "at the heart of the First Amendment." But hey, they aren't important enough to affect anybody's work. Political beliefs, in this scheme, become a sort of private religion, separated from the world.

The alternative is to say that the Constitution protects both the right of Americans to have political ideas and their right to try to put those ideas into effect, to have them judged by the democratic institutions of government. Let Democrats fire Republicans, if they want. Let Republicans fire Democrats. Let winning environmentalist candidates pick environmentalists to carry out their policies. And if the elected governor of New York chooses university trustees who aren't bigots, permit them to choose people who aren't bigots to run the universities.

The role for defenders of free expression in this scheme is not to guarantee that speech is never penalized. It is to ensure that there is a minimum sphere in which speech and belief are absolutely ("bright line") protected—a sphere big enough to nurture deviant views and give them a staging area for forays into the real world of judgmental institutions. That presumably means nobody can be jailed or fined or sued for libel because he is a racist or an anti-Semite (or a Republican). It probably requires that college teachers be guaranteed some rudimentary form of tenure. But beyond that, it wouldn't protect Professor Jeffries from judgment of his ideas. On the contrary, it would pay him the respect of taking them seriously.

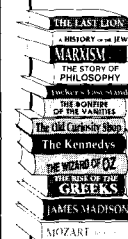
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WASHINGTON DIARIST

Lonely planet

TRAVEL GUIDES BROADEN ONE'S horizons, if you read the right ones. There's something fascinating about the mundane details of impossibly exotic places. It shows a kind of political expertise to know the names of the clan leaders in Mogadishu; but it shows real-world smarts to know a good cheap place to crash in Mog (try the Dalsan, near the American Embassy). In fact, it shows the same kind of smarts to know that it's cool to call Mogadishu Mog. Similarly, while Bophuthatswana is a pleasing mouthful, Bop is more au courant if you happen to be traipsing around the sub-Sahara. These lowly insights win a kind of respect, separating a desk-bound pundit from a seasoned reporter. Say Bop and Mog in sufficiently naive company and people look at you as if you were Orwell fresh back from the Spanish Civil War.

THEY'RE MISTAKEN, OF COURSE. It's a big scary world out there, and I'm willing to let some thrills slide. Orwell, one recalls, got shot in the throat. I'm not even sure if the Dalsan Hotel is still standing; my *Lonely Planet* guide to Africa warns that "much of the city is in ruins and many of the sights, hotels and restaurants mentioned in this section may not exist anymore." Even if they do, things are far from peaches and cream in Mog; they suggest you "keep an eye out for sharks if you go swimming. It's not an uncommon event for someone to be gobbled up. You can buy fresh fish." Thank you no, I just went off fish. Other guides are equally reckless. *Let's Go*, the nerdy bible of the budget traveler (for which I and a few other *TNR* staffers once worked), offers bland hints for knowing when you're about to meet The Troubles in Belfast: "The appearance of red, white and blue murals with Union Jacks and slogans such as 'We will never accept a united Ireland' will orient you." Other sights speak for themselves; nude beaches in Croatia are marked with FKK. My guide doesn't explain what FKK means.

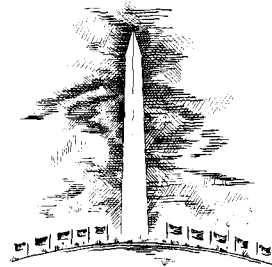
THERE'S CERTAINLY EDUCATIONAL value in reading this stuff. It's one thing to know that there are 110,000 Israeli settlers in the West Bank; another to know the names of the settlements; another to know that Ma'aleh Adumim is so big and

so close to Jerusalem that it's not clear if it's a nearby settlement or a distant suburb. You can judge the extent to which a country is terra incognita to English-speakers by the relative scarcity of guides on it. (*Lonely Planet*, the most adventurous series around, seems somehow to have overlooked an Iraq book.) Americans' famous ignorance of foreign cultures might be reduced by mass reading of travel guides. How else are we going to gain proper sensitivity to the peoples of distant lands? Anyone who's seen Americans overseas knows that cultural exchanges generate little goodwill abroad. Better to keep our gawking citizens curled up in South Natick, Massachusetts, with a copy of Fodor's. At least you can find out that locals in Ambergris Caye, Belize, entertain themselves with a high-stakes chicken drop ("vulgar but somehow charming").

CONSIDERING YOU'RE not going to go there, there's something glorious in reading a paean to somewhere you might actually have wanted to go. For example, *Lonely Planet* grouches, "Mafikeng was made famous during the Boer War when, under siege from the Boers, Baden Powell invented the concept of Boy Scouts. There's nothing to see." That's the whole listing. No insights are forthcoming as to why the experience of being surrounded by deranged Calvinists moved Baden Powell to create his mini-imperialist homoerotic organization. But at least you don't waste an afternoon dragging yourself out there. Also high on the list of must-not-sees is the camel-wrestling tournament of Seljuk, Turkey, described by *Let's Go* as "an all-day event in which two male camels are brought into the arena, and a female is placed between them." If that fails, the book says that British tourists in the 1980s made Bodrum "the sex capital of Turkey." Presumably, the beaches are labeled.

PART OF THE ALLURE OF THESE guides is that they offer a kind of acceptable imperialism. No ethnocentric shame here: everything has to be accessible for a 17-year-old from the suburbs. Not that unacceptable imperialism hasn't made something of a comeback since its post-war collapse. "Basically," scolded John Foster Dulles in 1956 as Britain and France had their final spasm in the developing world, "we have almost reached the point of deciding today whether we think the future lies with a policy of reasserting by force colonial control over the less developed nations, or whether we will oppose such a course of action by

every appropriate means." Writing in *The New York Times Magazine*, Paul Johnson opts for the former. "We are witnessing today a revival of colonialism, albeit in a new form," he says. "It is a trend that should be encouraged, it seems to me, on practical as well as on moral grounds." In *National Review*, Johnson hopes that "the Security Council and its agents will become the last, most altruistic and positive of the imperial powers, restoring to the colonialism the good name it once enjoyed." (Restoring colonialism's good name—a fresh challenge for Hill & Knowlton.) According to Johnson, the locals are eagerly awaiting us. Based on



the testimony of one desperate Liberian, he divines a "grass-roots origin of the appeal for the return for colonialism"; so we can look forward to the "unspoken gratitude" of our new subjects. Why it's unspoken Johnson doesn't say, although I can guess. Complaining that Somalia and Haiti are so

incompetently run as to have forfeited their claim to national sovereignty, Johnson wants to turn them over to that most sublimely competent of organizations, the U.N.

JOHNSON ISN'T THE ONLY EXPLICIT neocolonialist. Nor are his calls a right-wing phenomenon. Liberals have called for humanitarian intervention to stop genocide since Michael Walzer's 1977 *Just and Unjust Wars*, and the intervention in Somalia reopened the debate. Recently, an argument similar to Johnson's has been made in the liberal establishment. *Foreign Policy* has mulled the idea of U.N. "conservatorship," which could even mean "direct U.N. trusteeship." Likely subjects include Zaire and Georgia (presumably ex-Soviet Georgia, though you never know). The intrusive U.N. role in Cambodia is, if not the kind of imperialism that makes Johnson coo, an innovative violation of sovereignty. At least one international figure seems intrigued by all of this. Boutros Boutros-Ghali wrote that "the time of absolute and exclusive sovereignty . . . has passed; its theory was never matched by reality." Even if you agree that some states are pretty much dysfunctional—and the list is depressingly long—it's hard to think of an appealing colonial overlord. U.N.? E.C.? U.S.? Jimmy Carter? Vaclav Havel? Mikhail Gorbachev? Barbara Bush? Or, considering he's desperate to run a country, Ross Perot? Ross, someone else's country needs you. Just don't mosey over there by that FKK sign.

GARY J. BASS

Where We Stand

By Albert Shanker, President
American Federation of Teachers

Goals 2000

The President's education bill—Goals 2000—is an essential piece of legislation for turning our schools around. Unfortunately, there is a struggle now going on in Congress that could seriously compromise its value.

The law would set up the National Education Standards and Improvement Council (NESIC) to certify standards and assessments developed by states and/or professional organizations like the National Council of Teachers of Mathematics. The standards would be descriptions of what students should know and be able to do at different ages or grade levels. The assessments would be tests or other assessment techniques designed to measure whether or not the new standards have been met. The bill says that, eventually, these assessments could be used to help make various decisions about students: whether they are required to go to summer school to catch up; whether they are promoted from one grade to another, graduate from high school, qualify for a four-year or a two-year college, enter an apprenticeship or other school-to-work program. In other words, they will eventually count—they will be high-stakes assessments.

In certifying standards and assessments, NESIC would be, for education, what the Bureau of Weights and Measures and the National Institute of Standards and Technology—the old National Bureau of Standards—are for other fields. Many companies produce scales, rulers and thermometers. These bureaus establish standards for measurement and certify whether a given scale measures accurately according to the standard. In other words, NESIC would act as a kind of "Good Housekeeping Seal of Approval." Most important, in doing its work, it would take into account the standards met by students in other industrialized countries.

All of this is very good—indeed essential—and long overdue. What is wrong with the legislation?

The law would prohibit NESIC from certifying any assessment unless it meets certain criteria. Many of these criteria are reasonable—such as the usual requirements for reliability and validity. But one of the requirements is that the test be fair. Who could object to that?

Once upon a time, "fairness" meant getting rid of racial stereotypes in tests or trivia that gave an unfair advantage to wealthy people who played polo or raised horses. That's the kind of fairness the Administration was after. But fairness also has come to mean that tests should not have disparate impact on minority groups. That's the way courts are most



Holding all students to the same high expectations will help raise minority students' achievement—and help put an end to real-world disparities.

likely to interpret it, and that's why some members of Congress are insisting on this fairness language. If they succeed, it would mean that if a smaller proportion of African-Americans or Hispanics than whites succeeded on an assessment, the assessment could not be used in making any high-stakes decision such as promotion or graduation or college entry. Or if stakes were attached, there would be a system of race-norming where different groups would be held to different standards. In either case, the purposes of the new system of standards and assessments would be thwarted.

Since most minorities are economically disadvantaged and have suffered from poor education, there undoubtedly will be disparities in outcomes when the new system begins. But using this to derail a high-quality system of standards and assessments does nothing to help minority children in the long run. Disparate results can point us to differences in resources spent on poor and wealthy students. True, they can do that now. But if there were real standards and stakes attached to them, the public would be more inclined to invest money in educating poor children. Moreover, the fact is that disparities already exist in the real world—in job opportunities and in earnings. Holding some groups of youngsters to second-class standards will only help perpetuate real-world disparities. Holding all students to the same high expectations will help raise minority students' achievement—and help put an end to these disparities.

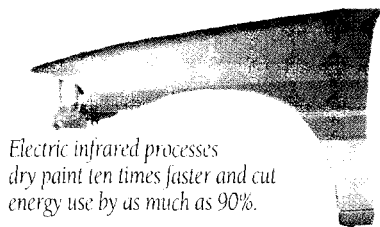
We have already seen that higher expectations lead to higher achievement. When states began requiring minimum competency exams for high school graduation in the 1970s, we heard that minority dropout rates would increase. Just the opposite happened. When states began raising academic course requirements in the 1980s, we heard again that minority dropout rates would increase. They didn't. Moreover, minority participation in the SAT and ACT exams soared. Something similar has happened as a result of raising academic standards for college athletes. There were strong objections, again because of the specter of disparate impact. But instead of standards leading to wholesale failure, more minority athletes are doing better.

Most important, students themselves will work harder to succeed because they will clearly see the relationship between their hard work, school success and the goals they want to achieve—a good job or entry to college. Goals 2000 is an essential framework for turning our schools around. It's important that it be done right.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1993 by Albert Shanker.

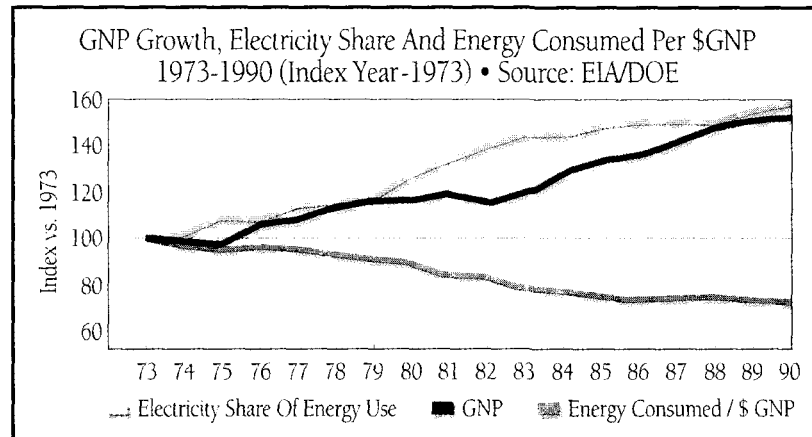
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